

1-1 By: Allen of Dallas (Senate Sponsor - Shapiro) H.B. No. 867  
1-2 (In the Senate - Received from the House May 13, 2005;  
1-3 May 16, 2005, read first time and referred to Committee on Criminal  
1-4 Justice; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 867 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the registration and supervision of sex offenders;  
1-11 providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. SEX OFFENDER REGISTRATION REQUIREMENTS

1-14 SECTION 1.01. Chapter 62, Code of Criminal Procedure, is  
1-15 reenacted and amended to read as follows:

1-16 CHAPTER 62. SEX OFFENDER REGISTRATION PROGRAM

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Art. 62.001 [~~62.01~~]. DEFINITIONS. In this chapter:

1-19 (1) "Department" means the Department of Public  
1-20 Safety.

1-21 (2) "Local law enforcement authority" means the chief  
1-22 of police of a municipality or the sheriff of a county in this  
1-23 state.

1-24 (3) "Penal institution" means a confinement facility  
1-25 operated by or under a contract with any division of the Texas  
1-26 Department of Criminal Justice, a confinement facility operated by  
1-27 or under contract with the Texas Youth Commission, or a juvenile  
1-28 secure pre-adjudication or post-adjudication facility operated by  
1-29 or under a local juvenile probation department, or a county jail.

1-30 (4) "Released" means discharged, paroled, placed in a  
1-31 nonsecure community program for juvenile offenders, or placed on  
1-32 juvenile probation, community supervision, or mandatory  
1-33 supervision.

1-34 (5) "Reportable conviction or adjudication" means a  
1-35 conviction or adjudication, including an adjudication of  
1-36 delinquent conduct or a deferred adjudication, [regardless of the  
1-37 pendency of an appeal,] that, regardless of the pendency of an  
1-38 appeal, is a conviction for or an adjudication for or based on:

1-39 (A) [~~a conviction for~~] a violation of Section  
1-40 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021  
1-41 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),  
1-42 Penal Code;

1-43 (B) [~~a conviction for~~] a violation of Section  
1-44 43.05 (Compelling prostitution), 43.25 (Sexual performance by a  
1-45 child), or 43.26 (Possession or promotion of child pornography),  
1-46 Penal Code;

1-47 (C) [~~a conviction for~~] a violation of Section  
1-48 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor  
1-49 [~~defendant~~] committed the offense or engaged in the conduct with  
1-50 intent to violate or abuse the victim sexually;

1-51 (D) [~~a conviction for~~] a violation of Section  
1-52 30.02 (Burglary), Penal Code, if the offense or conduct is  
1-53 punishable under Subsection (d) of that section and the actor  
1-54 [~~defendant~~] committed the offense or engaged in the conduct with  
1-55 intent to commit a felony listed in Paragraph (A) or (C);

1-56 (E) [~~a conviction for~~] a violation of Section  
1-57 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04  
1-58 (Aggravated kidnapping), Penal Code, if, as applicable:

1-59 (i) the judgment in the case contains an  
1-60 affirmative finding under Article 42.015; or

1-61 (ii) the order in the hearing or the papers  
1-62 in the case contain an affirmative finding that the victim or  
1-63 intended victim was younger than 17 years of age;

2-1 (F) the second [~~conviction for a~~] violation of  
2-2 Section 21.08 (Indecent exposure), Penal Code, but not if the  
2-3 second violation results in a deferred adjudication;

2-4 (G) [~~a conviction for~~] an attempt, conspiracy, or  
2-5 solicitation, as defined by Chapter 15, Penal Code, to commit an  
2-6 offense or engage in conduct listed in Paragraph (A), (B), (C),  
2-7 (D), or (E);

2-8 (H) [~~an adjudication of delinquent conduct:~~  
2-9 [~~(i) based on a violation of one of the~~  
2-10 ~~offenses listed in Paragraph (A), (B), (C), (D), or (G) or, if the~~  
2-11 ~~order in the hearing contains an affirmative finding that the~~  
2-12 ~~victim or intended victim was younger than 17 years of age, one of~~  
2-13 ~~the offenses listed in Paragraph (E); or~~

2-14 [~~(ii) for which two violations of the~~  
2-15 ~~offense listed in Paragraph (F) are shown;~~

2-16 [~~(I) a deferred adjudication for an offense~~  
2-17 ~~listed in:~~

2-18 [~~(i) Paragraph (A), (B), (C), (D), or (G);~~  
2-19 ~~or~~

2-20 [~~(ii) Paragraph (E) if the papers in the~~  
2-21 ~~case contain an affirmative finding that the victim or intended~~  
2-22 ~~victim was younger than 17 years of age;~~

2-23 [~~(J)] a violation of [conviction under] the laws~~

2-24 of another state, federal law, the laws of a foreign country, or the

2-25 Uniform Code of Military Justice for or based on the violation of an

2-26 offense containing elements that are substantially similar to the

2-27 elements of an offense listed under Paragraph (A), (B), (C), (D),

2-28 (E), or (G), but not if the violation results in a deferred

2-29 adjudication; or

2-30 (I) [~~(K) an adjudication of delinquent conduct~~  
2-31 ~~under the laws of another state, federal law, or the laws of a~~  
2-32 ~~foreign country based on a violation of an offense containing~~  
2-33 ~~elements that are substantially similar to the elements of an~~  
2-34 ~~offense listed under Paragraph (A), (B), (C), (D), (E), or (G);~~

2-35 [~~(L)] the second violation of [conviction under]~~  
2-36 the laws of another state, federal law, the laws of a foreign  
2-37 country, or the Uniform Code of Military Justice for or based on the  
2-38 violation of an offense containing elements that are substantially  
2-39 similar to the elements of the offense of indecent exposure, but not  
2-40 if the second violation results in a deferred adjudication[; or

2-41 [~~(M) the second adjudication of delinquent~~  
2-42 ~~conduct under the laws of another state, federal law, or the laws of~~  
2-43 ~~a foreign country based on a violation of an offense containing~~  
2-44 ~~elements that are substantially similar to the elements of the~~  
2-45 ~~offense of indecent exposure].~~

2-46 (6) "Sexually violent offense" means any of the  
2-47 following offenses committed by a person 17 years of age or older:

2-48 (A) an offense under Section 21.11(a)(1)  
2-49 (Indecency with a child), 22.011 (Sexual assault), or 22.021  
2-50 (Aggravated sexual assault), Penal Code;

2-51 (B) an offense under Section 43.25 (Sexual  
2-52 performance by a child), Penal Code;

2-53 (C) an offense under Section 20.04(a)(4)  
2-54 (Aggravated kidnapping), Penal Code, if the defendant committed the  
2-55 offense with intent to violate or abuse the victim sexually;

2-56 (D) an offense under Section 30.02 (Burglary),  
2-57 Penal Code, if the offense is punishable under Subsection (d) of  
2-58 that section and the defendant committed the offense with intent to  
2-59 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
2-60 or

2-61 (E) an offense under the laws of another state,  
2-62 federal law, the laws of a foreign country, or the Uniform Code of  
2-63 Military Justice if the offense contains elements that are  
2-64 substantially similar to the elements of an offense listed under  
2-65 Paragraph (A), (B), (C), or (D).

2-66 (7) "Residence" includes a residence established in  
2-67 this state by a person described by Article 62.152(e) [~~62.063(c)~~].

2-68 (8) "Public or private institution of higher  
2-69 education" includes a college, university, community college, or

3-1 technical or trade institute.

3-2 (9) "Authority for campus security" means the  
3-3 authority with primary law enforcement jurisdiction over property  
3-4 under the control of a public or private institution of higher  
3-5 education, other than a local law enforcement authority.

3-6 (10) "Extrajurisdictional registrant" means a person  
3-7 who:

3-8 (A) is required to register as a sex offender  
3-9 under:

3-10 (i) the laws of another state with which the  
3-11 department has entered into a reciprocal registration agreement;

3-12 (ii) federal law or the Uniform Code of  
3-13 Military Justice; or

3-14 (iii) the laws of a foreign country; and

3-15 (B) is not otherwise required to register under  
3-16 this chapter because:

3-17 (i) the person does not have a reportable  
3-18 conviction for an offense under the laws of the other state, federal  
3-19 law, the laws of the foreign country, or the Uniform Code of  
3-20 Military Justice containing elements that are substantially  
3-21 similar to the elements of an offense requiring registration under  
3-22 this chapter; or

3-23 (ii) the person does not have a reportable  
3-24 adjudication of delinquent conduct based on a violation of an  
3-25 offense under the laws of the other state, federal law, or the laws  
3-26 of the foreign country containing elements that are substantially  
3-27 similar to the elements of an offense requiring registration under  
3-28 this chapter.

3-29 Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter  
3-30 applies only to a reportable conviction or adjudication occurring  
3-31 on or after September 1, 1970.

3-32 (b) Except as provided by Subsection (c), the duties imposed  
3-33 on a person required to register under this chapter on the basis of  
3-34 a reportable conviction or adjudication, and the corresponding  
3-35 duties and powers of other entities in relation to the person  
3-36 required to register on the basis of that conviction or  
3-37 adjudication, are not affected by:

3-38 (1) an appeal of the conviction or adjudication; or

3-39 (2) a pardon of the conviction or adjudication.

3-40 (c) If a conviction or adjudication that is the basis of a  
3-41 duty to register under this chapter is set aside on appeal by a  
3-42 court or if the person required to register under this chapter on  
3-43 the basis of a conviction or adjudication receives a pardon on the  
3-44 basis of subsequent proof of innocence, the duties imposed on the  
3-45 person by this chapter and the corresponding duties and powers of  
3-46 other entities in relation to the person are terminated.

3-47 Art. 62.003 [62.0101]. DETERMINATION REGARDING  
3-48 SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of  
3-49 this chapter, the [The] department is responsible for determining  
3-50 [for the purposes of this chapter] whether an offense under the laws  
3-51 of another state, federal law, the laws of a foreign country, or the  
3-52 Uniform Code of Military Justice contains elements that are  
3-53 substantially similar to the elements of an offense under the laws  
3-54 of this state.

3-55 (b) The department annually shall provide or make available  
3-56 to each prosecuting attorney's office in this state:

3-57 (1) the criteria used in making a determination under  
3-58 Subsection (a); and

3-59 (2) any existing record or compilation of offenses  
3-60 under the laws of another state, federal law, the laws of a foreign  
3-61 country, and the Uniform Code of Military Justice that the  
3-62 department has already determined to contain elements that are  
3-63 substantially similar to the elements of offenses under the laws of  
3-64 this state.

3-65 (c) An appeal of a determination made under this article  
3-66 shall be brought in a district court in Travis County.

3-67 Art. 62.004 [62.0102]. DETERMINATION REGARDING PRIMARY  
3-68 REGISTRATION AUTHORITY. (a) For each person subject to  
3-69 registration under this chapter, the department shall determine

4-1 which local law enforcement authority serves as the person's  
 4-2 primary registration authority based on the municipality or county  
 4-3 in which the person resides or, as provided by Article 62.152  
 4-4 [~~62.061, as added by Chapters 1193 and 1415, Acts of the 76th~~  
 4-5 ~~Legislature, Regular Session, 1999~~], the municipality or county in  
 4-6 which the person works or attends school.

4-7 (b) The department shall notify each person subject to  
 4-8 registration under this chapter of the person's primary  
 4-9 registration authority in a timely manner.

4-10 Art. 62.005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)  
 4-11 The department shall maintain a computerized central database  
 4-12 containing the information required for registration under this  
 4-13 chapter. The department may include in the computerized central  
 4-14 database the numeric risk level assigned to a person under this  
 4-15 chapter.

4-16 (b) The information contained in the database, including  
 4-17 the numeric risk level assigned to a person under this chapter, is  
 4-18 public information, with the exception of any information:

4-19 (1) regarding the person's social security number,  
 4-20 driver's license number, or telephone number;

4-21 (2) that is required by the department under Article  
 4-22 62.051(c)(7); or

4-23 (3) that would identify the victim of the offense for  
 4-24 which the person is subject to registration.

4-25 (c) Notwithstanding Chapter 730, Transportation Code, the  
 4-26 department shall maintain in the database, and shall post on any  
 4-27 department website related to the database, any photograph of the  
 4-28 person that is available through the process for obtaining or  
 4-29 renewing a personal identification certificate or driver's license  
 4-30 under Section 521.103 or 521.272, Transportation Code. The  
 4-31 department shall update the photograph in the database and on the  
 4-32 website annually or as the photograph otherwise becomes available  
 4-33 through the renewal process for the certificate or license.

4-34 (d) A local law enforcement authority shall release public  
 4-35 information described under Subsection (b) to any person who  
 4-36 requests the information from the authority. The authority may  
 4-37 charge the person a fee not to exceed the amount reasonably  
 4-38 necessary to cover the administrative costs associated with the  
 4-39 authority's release of information to the person under this  
 4-40 subsection.

4-41 (e) The department shall provide a licensing authority with  
 4-42 notice of any person required to register under this chapter who  
 4-43 holds or seeks a license that is issued by the authority. The  
 4-44 department shall provide the notice required by this subsection as  
 4-45 the applicable licensing information becomes available through the  
 4-46 person's registration or verification of registration.

4-47 (f) On the written request of a licensing authority that  
 4-48 identifies an individual and states that the individual is an  
 4-49 applicant for or a holder of a license issued by the authority, the  
 4-50 department shall release any information described by Subsection  
 4-51 (a) to the licensing authority.

4-52 (g) For the purposes of Subsections (e) and (f):

4-53 (1) "License" means a license, certificate,  
 4-54 registration, permit, or other authorization that:

4-55 (A) is issued by a licensing authority; and

4-56 (B) a person must obtain to practice or engage in  
 4-57 a particular business, occupation, or profession.

4-58 (2) "Licensing authority" means a department,  
 4-59 commission, board, office, or other agency of the state or a  
 4-60 political subdivision of the state that issues a license.

4-61 (h) Not later than the third day after the date on which the  
 4-62 applicable information becomes available through the person's  
 4-63 registration or verification of registration or under Article  
 4-64 62.058, the department shall send notice of any person required to  
 4-65 register under this chapter who is or will be employed, carrying on  
 4-66 a vocation, or a student at a public or private institution of  
 4-67 higher education in this state to:

4-68 (1) for an institution in this state:

4-69 (A) the authority for campus security for that

5-1 institution; or

5-2 (B) if an authority for campus security for that  
5-3 institution does not exist, the local law enforcement authority of:

5-4 (i) the municipality in which the  
5-5 institution is located; or

5-6 (ii) the county in which the institution is  
5-7 located, if the institution is not located in a municipality; or

5-8 (2) for an institution in another state, any existing  
5-9 authority for campus security at that institution.

5-10 (i) On the written request of an institution of higher  
5-11 education described by Subsection (h) that identifies an individual  
5-12 and states that the individual has applied to work or study at the  
5-13 institution, the department shall release any information  
5-14 described by Subsection (a) to the institution.

5-15 Art. 62.006. INFORMATION PROVIDED TO PEACE OFFICER ON  
5-16 REQUEST. The department shall establish a procedure by which a  
5-17 peace officer or employee of a law enforcement agency who provides  
5-18 the department with a driver's license number, personal  
5-19 identification certificate number, or license plate number is  
5-20 automatically provided information as to whether the person to whom  
5-21 the driver's license or personal identification certificate is  
5-22 issued is required to register under this chapter or whether the  
5-23 license plate number is entered in the computerized central  
5-24 database under Article 62.005 as assigned to a vehicle owned or  
5-25 driven by a person required to register under this chapter.

5-26 Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER  
5-27 SCREENING TOOL. (a) The Texas Department of Criminal Justice shall  
5-28 establish a risk assessment review committee composed of at least  
5-29 seven members, each of whom serves on the review committee in  
5-30 addition to the member's other employment-related duties. The  
5-31 review committee, to the extent feasible, must include at least:

5-32 (1) one member having experience in law enforcement;

5-33 (2) one member having experience working with juvenile  
5-34 sex offenders;

5-35 (3) one member having experience as a sex offender  
5-36 treatment provider;

5-37 (4) one member having experience working with victims  
5-38 of sex offenses;

5-39 (5) the executive director of the Council on Sex  
5-40 Offender Treatment; and

5-41 (6) one sex offender treatment provider registered  
5-42 under Chapter 110, Occupations Code, and selected by the executive  
5-43 director of the Council on Sex Offender Treatment to serve on the  
5-44 review committee.

5-45 (b) The risk assessment review committee functions in an  
5-46 oversight capacity. The committee shall:

5-47 (1) develop or select, from among existing tools or  
5-48 from any tool recommended by the Council on Sex Offender Treatment,  
5-49 a sex offender screening tool to be used in determining the level of  
5-50 risk of a person subject to registration under this chapter;

5-51 (2) ensure that staff is trained on the use of the  
5-52 screening tool;

5-53 (3) monitor the use of the screening tool in the state;  
5-54 and

5-55 (4) analyze other screening tools as they become  
5-56 available and revise or replace the existing screening tool if  
5-57 warranted.

5-58 (c) The sex offender screening tool must use an objective  
5-59 point system under which a person is assigned a designated number of  
5-60 points for each of various factors. In developing or selecting the  
5-61 sex offender screening tool, the risk assessment review committee  
5-62 shall use or shall select a screening tool that may be adapted to  
5-63 use the following general guidelines:

5-64 (1) level one (low): a designated range of points on  
5-65 the sex offender screening tool indicating that the person poses a  
5-66 low danger to the community and will not likely engage in criminal  
5-67 sexual conduct;

5-68 (2) level two (moderate): a designated range of  
5-69 points on the sex offender screening tool indicating that the

6-1 person poses a moderate danger to the community and might continue  
 6-2 to engage in criminal sexual conduct; and

6-3 (3) level three (high): a designated range of points  
 6-4 on the sex offender screening tool indicating that the person poses  
 6-5 a serious danger to the community and will continue to engage in  
 6-6 criminal sexual conduct.

6-7 (d) The risk assessment review committee, the Texas  
 6-8 Department of Criminal Justice, the Texas Youth Commission, or a  
 6-9 court may override a risk level only if the entity:

6-10 (1) believes that the risk level assessed is not an  
 6-11 accurate prediction of the risk the offender poses to the  
 6-12 community; and

6-13 (2) documents the reason for the override in the  
 6-14 offender's case file.

6-15 (e) Notwithstanding Chapter 58, Family Code, records and  
 6-16 files, including records that have been sealed under Section 58.003  
 6-17 of that code, relating to a person for whom a court, the Texas  
 6-18 Department of Criminal Justice, or the Texas Youth Commission is  
 6-19 required under this article to determine a level of risk shall be  
 6-20 released to the court, department, or commission, as appropriate,  
 6-21 for the purpose of determining the person's risk level.

6-22 (f) Chapter 551, Government Code, does not apply to a  
 6-23 meeting of the risk assessment review committee.

6-24 (g) The numeric risk level assigned to a person using the  
 6-25 sex offender screening tool described by this article is not  
 6-26 confidential and is subject to disclosure under Chapter 552,  
 6-27 Government Code.

6-28 Art. 62.008. GENERAL IMMUNITY. The following persons are  
 6-29 immune from liability for good faith conduct under this chapter:

6-30 (1) an employee or officer of the Texas Department of  
 6-31 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
 6-32 Probation Commission, the Department of Public Safety, the Board of  
 6-33 Pardons and Paroles, or a local law enforcement authority;

6-34 (2) an employee or officer of a community supervision  
 6-35 and corrections department or a juvenile probation department;

6-36 (3) a member of the judiciary; and

6-37 (4) a member of the risk assessment review committee  
 6-38 established under Article 62.007.

6-39 Art. 62.009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

6-40 (a) The department, a penal institution, a local law enforcement  
 6-41 authority, or an authority for campus security may release to the  
 6-42 public information regarding a person required to register under  
 6-43 this chapter only if the information is public information under  
 6-44 this chapter.

6-45 (b) An individual, agency, entity, or authority is not  
 6-46 liable under Chapter 101, Civil Practice and Remedies Code, or any  
 6-47 other law for damages arising from conduct authorized by Subsection  
 6-48 (a).

6-49 (c) For purposes of determining liability, the release or  
 6-50 withholding of information by an appointed or elected officer of an  
 6-51 agency, entity, or authority is a discretionary act.

6-52 (d) A private primary or secondary school, public or private  
 6-53 institution of higher education, or administrator of a private  
 6-54 primary or secondary school or public or private institution of  
 6-55 higher education may release to the public information regarding a  
 6-56 person required to register under this chapter only if the  
 6-57 information is public information under this chapter and is  
 6-58 released to the administrator under Article 62.005, 62.053, 62.054,  
 6-59 62.055, or 62.153. A private primary or secondary school, public or  
 6-60 private institution of higher education, or administrator of a  
 6-61 private primary or secondary school or public or private  
 6-62 institution of higher education is not liable under any law for  
 6-63 damages arising from conduct authorized by this subsection.

6-64 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of  
 6-65 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
 6-66 Probation Commission, and the department may adopt any rule  
 6-67 necessary to implement this chapter.

6-68 SUBCHAPTER B. REGISTRATION AND VERIFICATION  
 6-69 REQUIREMENTS; RELATED NOTICE

7-1 ~~[Art. 62.0105. EXEMPTION FROM REGISTRATION FOR CERTAIN SEX~~  
7-2 ~~OFFENDERS. (a) If eligible under Subsection (b) or (c), a person~~  
7-3 ~~required to register under this chapter may petition the court~~  
7-4 ~~having jurisdiction over the case for an order exempting the person~~  
7-5 ~~from registration under this chapter at any time after the person's~~  
7-6 ~~sentencing or after the person is placed on deferred adjudication~~  
7-7 ~~community supervision.~~

7-8 ~~[(b) A person is eligible to petition the court as described~~  
7-9 ~~by Subsection (a) if:~~

7-10 ~~[(1) the person is required to register only as a~~  
7-11 ~~result of a single reportable conviction or adjudication, other~~  
7-12 ~~than an adjudication of delinquent conduct, and~~

7-13 ~~[(2) the court has entered in the appropriate judgment~~  
7-14 ~~or has filed with the appropriate papers a statement of an~~  
7-15 ~~affirmative finding described by Article 42.017 or Section 5(g),~~  
7-16 ~~Article 42.12.~~

7-17 ~~[(c) A defendant who before September 1, 2001, is convicted~~  
7-18 ~~of or placed on deferred adjudication community supervision for an~~  
7-19 ~~offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,~~  
7-20 ~~is eligible to petition the court as described by Subsection (a).~~  
7-21 ~~The court may consider the petition only if the petition states and~~  
7-22 ~~the court finds that the defendant would have been entitled to the~~  
7-23 ~~entry of an affirmative finding under Article 42.017 or Section~~  
7-24 ~~5(g), Article 42.12, as appropriate, had the conviction or~~  
7-25 ~~placement on deferred adjudication community supervision occurred~~  
7-26 ~~after September 1, 2001.~~

7-27 ~~[(d) After a hearing on the petition described by Subsection~~  
7-28 ~~(a), the court may issue an order exempting the person from~~  
7-29 ~~registration under this chapter if it appears by a preponderance of~~  
7-30 ~~the evidence:~~

7-31 ~~[(1) as presented by a registered sex offender~~  
7-32 ~~treatment provider, that the exemption does not threaten public~~  
7-33 ~~safety; and~~

7-34 ~~[(2) that the person's conduct did not occur without~~  
7-35 ~~the consent of the victim or intended victim as described by Section~~  
7-36 ~~22.011(b), Penal Code.~~

7-37 ~~[(e) An order exempting the person from registration under~~  
7-38 ~~this chapter does not expire, but the court shall withdraw the order~~  
7-39 ~~if after the order is issued the person receives a reportable~~  
7-40 ~~conviction or adjudication under this chapter.~~

7-41 ~~[Art. 62.011. WORKERS OR STUDENTS. (a) A person is~~  
7-42 ~~employed or carries on a vocation for purposes of this chapter if~~  
7-43 ~~the person works or volunteers on a full-time or part-time basis for~~  
7-44 ~~a consecutive period exceeding 14 days or for an aggregate period~~  
7-45 ~~exceeding 30 days in a calendar year. A person works for purposes~~  
7-46 ~~of this subsection regardless of whether the person works for~~  
7-47 ~~compensation or for governmental or educational benefit.~~

7-48 ~~[(b) A person is a student for purposes of this chapter if~~  
7-49 ~~the person enrolls on a full-time or part-time basis in any~~  
7-50 ~~educational facility, including:~~

7-51 ~~[(1) a public or private primary or secondary school,~~  
7-52 ~~including a high school or alternative learning center; or~~

7-53 ~~[(2) a public or private institution of higher~~  
7-54 ~~education.]~~

7-55 ~~Art. 62.051 [62.02]. REGISTRATION: GENERAL. (a) A person~~  
7-56 ~~who has a reportable conviction or adjudication or who is required~~  
7-57 ~~to register as a condition of parole, release to mandatory~~  
7-58 ~~supervision, or community supervision shall register or, if the~~  
7-59 ~~person is a person for whom registration is completed under this~~  
7-60 ~~chapter, verify registration as provided by Subsection (f) [(d)],~~  
7-61 ~~with the local law enforcement authority in any municipality where~~  
7-62 ~~the person resides or intends to reside for more than seven days.~~  
7-63 ~~If the person does not reside or intend to reside in a municipality,~~  
7-64 ~~the person shall register or verify registration in any county~~  
7-65 ~~where the person resides or intends to reside for more than seven~~  
7-66 ~~days. The person shall satisfy the requirements of this subsection~~  
7-67 ~~not later than the later of:~~

7-68 ~~(1) the seventh day after the person's arrival in the~~  
7-69 ~~municipality or county; or~~

8-1                   (2) the first date the local law enforcement authority  
 8-2 of the municipality or county by policy allows the person to  
 8-3 register or verify registration, as applicable.

8-4                   (b) The department shall provide the Texas Department of  
 8-5 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
 8-6 Probation Commission, and each local law enforcement authority,  
 8-7 authority for campus security, county jail, and court with a form  
 8-8 for registering persons required by this chapter to register.

8-9                   (c) The registration form shall require:

8-10                   (1) the person's full name, each alias, date of birth,  
 8-11 sex, race, height, weight, eye color, hair color, social security  
 8-12 number, driver's license number, shoe size, and home address;

8-13                   (2) a recent color photograph or, if possible, an  
 8-14 electronic digital image of the person and a complete set of the  
 8-15 person's fingerprints;

8-16                   (3) the type of offense the person was convicted of,  
 8-17 the age of the victim, the date of conviction, and the punishment  
 8-18 received;

8-19                   (4) an indication as to whether the person is  
 8-20 discharged, paroled, or released on juvenile probation, community  
 8-21 supervision, or mandatory supervision;

8-22                   (5) an indication of each license, as defined by  
 8-23 Article 62.005(g) [~~62.08(g)~~], that is held or sought by the person;

8-24                   (6) an indication as to whether the person is or will  
 8-25 be employed, carrying on a vocation, or a student at a particular  
 8-26 public or private institution of higher education in this state or  
 8-27 another state, and the name and address of that institution; and

8-28                   (7) any other information required by the department.

8-29                   (d) The registration form must contain a statement and  
 8-30 description of any registration duties the person has or may have  
 8-31 under this chapter.

8-32                   (e) [~~(c)~~] Not later than the third day after a person's  
 8-33 registering, the local law enforcement authority with whom the  
 8-34 person registered shall send a copy of the registration form to the  
 8-35 department and, if the person resides on the campus of a public or  
 8-36 private institution of higher education, to any authority for  
 8-37 campus security for that institution.

8-38                   (f) [~~(d)~~] A person for whom registration is completed under  
 8-39 this chapter shall report to the applicable local law enforcement  
 8-40 authority to verify the information in the registration form  
 8-41 received by the authority under this chapter. The authority shall  
 8-42 require the person to produce proof of the person's identity and  
 8-43 residence before the authority gives the registration form to the  
 8-44 person for verification. If the information in the registration  
 8-45 form is complete and accurate, the person shall verify registration  
 8-46 by signing the form. If the information is not complete or not  
 8-47 accurate, the person shall make any necessary additions or  
 8-48 corrections before signing the form.

8-49                   (g) [~~(e)~~] A person who is required to register or verify  
 8-50 registration under this chapter shall ensure that the person's  
 8-51 registration form is complete and accurate with respect to each  
 8-52 item of information required by the form in accordance with  
 8-53 Subsection (c) [~~(b)~~].

8-54                   (h) [~~(f)~~] If a person subject to registration under this  
 8-55 chapter does not move to an intended residence by the end of the  
 8-56 seventh day after the date on which the person is released or the  
 8-57 date on which the person leaves a previous residence, the person  
 8-58 shall:

8-59                   (1) report to the juvenile probation officer,  
 8-60 community supervision and corrections department officer, or  
 8-61 parole officer supervising the person by not later than the seventh  
 8-62 day after the date on which the person is released or the date on  
 8-63 which the person leaves a previous residence, as applicable, and  
 8-64 provide the officer with the address of the person's temporary  
 8-65 residence; and

8-66                   (2) continue to report to the person's supervising  
 8-67 officer not less than weekly during any period of time in which the  
 8-68 person has not moved to an intended residence and provide the  
 8-69 officer with the address of the person's temporary residence.

9-1           (i) [~~(g)~~] If the other state has a registration requirement  
 9-2 for sex offenders, a person who has a reportable conviction or  
 9-3 adjudication, who resides in this state, and who is employed,  
 9-4 carries on a vocation, or is a student in another state shall, not  
 9-5 later than the 10th day after the date on which the person begins to  
 9-6 work or attend school in the other state, register with the law  
 9-7 enforcement authority that is identified by the department as the  
 9-8 authority designated by that state to receive registration  
 9-9 information. If the person is employed, carries on a vocation, or  
 9-10 is a student at a public or private institution of higher education  
 9-11 in the other state and if an authority for campus security exists at  
 9-12 the institution, the person shall also register with that authority  
 9-13 not later than the 10th day after the date on which the person  
 9-14 begins to work or attend school.

9-15           Art. 62.052 [~~62.021~~]. REGISTRATION: EXTRAJURISDICTIONAL  
 9-16 [~~OUT-OF-STATE~~] REGISTRANTS. (a) An extrajurisdictional  
 9-17 registrant [~~This article applies to a person who:~~

9-18           [~~(1) is required to register as a sex offender under:~~  
 9-19           [~~(A) the laws of another state with which the~~  
 9-20 ~~department has entered into a reciprocal registration agreement,~~

9-21           [~~(B) federal law or the Uniform Code of Military~~  
 9-22 ~~Justice, or~~

9-23           [~~(C) the laws of a foreign country, and~~  
 9-24           [~~(2) is not otherwise required to register under this~~  
 9-25 ~~chapter because:~~

9-26           [~~(A) the person does not have a reportable~~  
 9-27 ~~conviction for an offense under the laws of the other state, federal~~  
 9-28 ~~law, the laws of the foreign country, or the Uniform Code of~~  
 9-29 ~~Military Justice containing elements that are substantially~~  
 9-30 ~~similar to an offense requiring registration under this chapter, or~~

9-31           [~~(B) the person does not have a reportable~~  
 9-32 ~~adjudication of delinquent conduct based on a violation of an~~  
 9-33 ~~offense under the laws of the other state, federal law, or the laws~~  
 9-34 ~~of the foreign country containing elements that are substantially~~  
 9-35 ~~similar to an offense requiring registration under this chapter.~~

9-36           [~~(b) A person described by Subsection (a)] is required to  
 9-37 comply with the annual verification requirements of Article 62.058  
 9-38 [~~62.06~~] in the same manner as a person who is required to verify  
 9-39 registration on the basis of a reportable conviction or  
 9-40 adjudication.~~

9-41           (b) [~~(c)~~] The duty to register for an extrajurisdictional  
 9-42 registrant [~~a person described by Subsection (a)] expires on the~~  
 9-43 date the person's duty to register would expire under the laws of  
 9-44 the other state or foreign country had the person remained in that  
 9-45 state or foreign country, under federal law, or under the Uniform  
 9-46 Code of Military Justice, as applicable.

9-47           (c) [~~(d)~~] The department may negotiate and enter into a  
 9-48 reciprocal registration agreement with any other state to prevent  
 9-49 residents of this state and residents of the other state from  
 9-50 frustrating the public purpose of the registration of sex offenders  
 9-51 by moving from one state to the other.

9-52           Art. 62.053 [~~62.03~~]. PRERELEASE NOTIFICATION. (a) Before  
 9-53 a person who will be subject to registration under this chapter is  
 9-54 due to be released from a penal institution, the Texas Department of  
 9-55 Criminal Justice or the Texas Youth Commission shall determine the  
 9-56 person's level of risk to the community using the sex offender  
 9-57 screening tool developed or selected under Article 62.007 [~~62.035~~]  
 9-58 and assign to the person a numeric risk level of one, two, or three.  
 9-59 Before releasing the person, an official of the penal institution  
 9-60 shall:

9-61           (1) inform the person that:  
 9-62           (A) not later than the later of the seventh day  
 9-63 after the date on which the person is released or after the date on  
 9-64 which the person moves from a previous residence to a new residence  
 9-65 in this state or not later than the later of the first date the  
 9-66 applicable local law enforcement authority by policy allows the  
 9-67 person to register or verify registration, the person must [+  
 9-68           [~~(i)~~] register or verify registration with  
 9-69 the local law enforcement authority in the municipality or county

10-1 in which the person intends to reside;

10-2 (B) not later than the seventh day after the date  
 10-3 on which the person is released or the date on which the person  
 10-4 moves from a previous residence to a new residence in this state,  
 10-5 the person must, [~~or~~

10-6 [~~(ii)~~] if the person has not moved to an  
 10-7 intended residence, report to the juvenile probation officer,  
 10-8 community supervision and corrections department officer, or  
 10-9 parole officer supervising the person;

10-10 (C) [~~(B)~~] not later than the seventh day before  
 10-11 the date on which the person moves to a new residence in this state  
 10-12 or another state, the person must report in person to the local law  
 10-13 enforcement authority designated as the person's primary  
 10-14 registration authority by the department and to the juvenile  
 10-15 probation officer, community supervision and corrections  
 10-16 department officer, or parole officer supervising the person;

10-17 (D) [~~(C)~~] not later than the 10th day after the  
 10-18 date on which the person arrives in another state in which the  
 10-19 person intends to reside, the person must register with the law  
 10-20 enforcement agency that is identified by the department as the  
 10-21 agency designated by that state to receive registration  
 10-22 information, if the other state has a registration requirement for  
 10-23 sex offenders;

10-24 (E) [~~(D)~~] not later than the 30th day after the  
 10-25 date on which the person is released, the person must apply to the  
 10-26 department in person for the issuance of an original or renewal  
 10-27 driver's license or personal identification certificate and a  
 10-28 failure to apply to the department as required by this paragraph  
 10-29 results in the automatic revocation of any driver's license or  
 10-30 personal identification certificate issued by the department to the  
 10-31 person; and

10-32 (F) [~~(E)~~] the person must notify appropriate  
 10-33 entities of any change in status as described by Article 62.057  
 10-34 [~~62.05~~];

10-35 (2) require the person to sign a written statement  
 10-36 that the person was informed of the person's duties as described by  
 10-37 Subdivision (1) or Subsection (g) [~~(h)~~] or, if the person refuses to  
 10-38 sign the statement, certify that the person was so informed;

10-39 (3) obtain the address where the person expects to  
 10-40 reside on the person's release and other registration information,  
 10-41 including a photograph and complete set of fingerprints; and

10-42 (4) complete the registration form for the person.

10-43 (b) On the seventh day before the date on which a person who  
 10-44 will be subject to registration under this chapter is due to be  
 10-45 released from a penal institution, or on receipt of notice by a  
 10-46 penal institution that a person who will be subject to registration  
 10-47 under this chapter is due to be released in less than seven days, an  
 10-48 official of the penal institution shall send the person's completed  
 10-49 registration form and numeric risk level to the department and to:

10-50 (1) the applicable local law enforcement authority in  
 10-51 the municipality or county in which the person expects to reside, if  
 10-52 the person expects to reside in this state; or

10-53 (2) the law enforcement agency that is identified by  
 10-54 the department as the agency designated by another state to receive  
 10-55 registration information, if the person expects to reside in that  
 10-56 other state and that other state has a registration requirement for  
 10-57 sex offenders.

10-58 (c) If a person who is subject to registration under this  
 10-59 chapter receives an order deferring adjudication, placing the  
 10-60 person on community supervision or juvenile probation [~~or community~~  
 10-61 ~~supervision~~], or imposing only a fine, the court pronouncing the  
 10-62 order or sentence shall make a determination of the person's  
 10-63 numeric risk level using the sex offender screening tool developed  
 10-64 or selected under Article 62.007 [~~62.035~~], assign to the person a  
 10-65 numeric risk level of one, two, or three, and ensure that the  
 10-66 prerelease notification and registration requirements specified in  
 10-67 this article are conducted on the day of entering the order or  
 10-68 sentencing. If a community supervision and corrections department  
 10-69 representative is available in court at the time a court pronounces

11-1 a sentence of deferred adjudication or community supervision, the  
 11-2 representative shall immediately obtain the person's numeric risk  
 11-3 level from the court and conduct the prerelease notification and  
 11-4 registration requirements specified in this article. In any other  
 11-5 case in which the court pronounces a sentence under this  
 11-6 subsection, the court shall designate another appropriate  
 11-7 individual to obtain the person's numeric risk level from the court  
 11-8 and conduct the prerelease notification and registration  
 11-9 requirements specified in this article.

11-10 (d) If a person who has a reportable conviction described by  
 11-11 Article 62.001(5)(H) [~~62.01(5)(J)~~] or (I) [~~(L)~~] is placed under the  
 11-12 supervision of the pardons and paroles division of the Texas  
 11-13 Department of Criminal Justice or a community supervision and  
 11-14 corrections department under Article 42.11, the division or  
 11-15 community supervision and corrections department shall conduct the  
 11-16 prerelease notification and registration requirements specified in  
 11-17 this article on the date the person is placed under the supervision  
 11-18 of the division or community supervision and corrections  
 11-19 department. If a person who has a reportable adjudication of  
 11-20 delinquent conduct described by Article 62.001(5)(H) [~~62.01(5)(K)~~]  
 11-21 or (I) [~~(M)~~] is, as permitted by Section 60.002, Family Code, placed  
 11-22 under the supervision of the Texas Youth Commission, a public or  
 11-23 private vendor operating under contract with the Texas Youth  
 11-24 Commission, a local juvenile probation department, or a juvenile  
 11-25 secure pre-adjudication or post-adjudication facility, the  
 11-26 commission, vendor, probation department, or facility shall  
 11-27 conduct the prerelease notification and registration requirements  
 11-28 specified in this article on the date the person is placed under the  
 11-29 supervision of the commission, vendor, probation department, or  
 11-30 facility.

11-31 (e) Not later than the eighth day after receiving a  
 11-32 registration form under Subsection (b), (c), or (d), the local law  
 11-33 enforcement authority shall verify the age of the victim, the basis  
 11-34 on which the person is subject to registration under this chapter,  
 11-35 and the person's numeric risk level. [~~The authority shall  
 11-36 immediately publish notice in English and Spanish in the newspaper  
 11-37 of greatest paid circulation in the county in which the person  
 11-38 subject to registration intends to reside or, if there is no  
 11-39 newspaper of paid circulation in that county, in the newspaper of  
 11-40 greatest general circulation in the county, except as provided by  
 11-41 Article 62.031. If the authority publishes notice under this  
 11-42 subsection, the authority shall publish a duplicate notice in the  
 11-43 newspaper, with any necessary corrections, during the week  
 11-44 immediately following the week of initial publication.] The local  
 11-45 law enforcement authority shall [~~also~~] immediately provide notice  
 11-46 to the superintendent of the public school district and to the  
 11-47 administrator of any private primary or secondary school located in  
 11-48 the public school district in which the person subject to  
 11-49 registration intends to reside by mail to the office of the  
 11-50 superintendent or administrator, as appropriate, in accordance  
 11-51 with Article 62.054 [~~62.032~~]. On receipt of a notice under this  
 11-52 subsection, the superintendent shall release the information  
 11-53 contained in the notice to appropriate school district personnel,  
 11-54 including peace officers and security personnel, principals,  
 11-55 nurses, and counselors.~~

11-56 (f) [~~The local law enforcement authority shall include in  
 11-57 the notice by publication in a newspaper the following information  
 11-58 only:~~

- 11-59 [~~(1) the person's full name, age, and gender;~~
- 11-60 [~~(2) a brief description of the offense for which the  
 11-61 person is subject to registration;~~
- 11-62 [~~(3) the municipality, numeric street address or  
 11-63 physical address, if a numeric street address is not available, and  
 11-64 zip code number where the person intends to reside;~~
- 11-65 [~~(4) either a recent photograph of the person or the  
 11-66 Internet address of a website on which the person's photograph is  
 11-67 accessible free of charge; and~~
- 11-68 [~~(5) the person's numeric risk level assigned under  
 11-69 this chapter and the guidelines used to determine a person's risk~~

12-1 ~~level generally.~~

12-2 [~~(g)~~] The local law enforcement authority shall include in  
12-3 the notice to the superintendent of the public school district and  
12-4 to the administrator of any private primary or secondary school  
12-5 located in the public school district any information the authority  
12-6 determines is necessary to protect the public, except:

12-7 (1) the person's social security number, driver's  
12-8 license number, or telephone number; and

12-9 (2) any information that would identify the victim of  
12-10 the offense for which the person is subject to registration.

12-11 (g) [~~(h)~~] Before a person who will be subject to  
12-12 registration under this chapter is due to be released from a penal  
12-13 institution in this state, an official of the penal institution  
12-14 shall inform the person that:

12-15 (1) if the person intends to reside in another state  
12-16 and to work or attend school in this state, the person must, not  
12-17 later than the later of the seventh day after the date on which the  
12-18 person begins to work or attend school or the first date the  
12-19 applicable local law enforcement authority by policy allows the  
12-20 person to register or verify registration, register or verify  
12-21 registration with the local law enforcement authority in the  
12-22 municipality or county in which the person intends to work or attend  
12-23 school;

12-24 (2) if the person intends to reside in this state and  
12-25 to work or attend school in another state and if the other state has  
12-26 a registration requirement for sex offenders, the person must:

12-27 (A) not later than the 10th day after the date on  
12-28 which the person begins to work or attend school in the other state,  
12-29 register with the law enforcement authority that is identified by  
12-30 the department as the authority designated by that state to receive  
12-31 registration information; and

12-32 (B) if the person intends to be employed, carry  
12-33 on a vocation, or be a student at a public or private institution of  
12-34 higher education in the other state and if an authority for campus  
12-35 security exists at the institution, register with that authority  
12-36 not later than the 10th day after the date on which the person  
12-37 begins to work or attend school; and

12-38 (3) regardless of the state in which the person  
12-39 intends to reside, if the person intends to be employed, carry on a  
12-40 vocation, or be a student at a public or private institution of  
12-41 higher education in this state, the person must:

12-42 (A) not later than the later of the seventh day  
12-43 after the date on which the person begins to work or attend school  
12-44 or the first date the applicable authority by policy allows the  
12-45 person to register, register with:

12-46 (i) the authority for campus security for  
12-47 that institution; or

12-48 (ii) except as provided by Article  
12-49 62.153(e) [~~62.064(e)~~], if an authority for campus security for that  
12-50 institution does not exist, the local law enforcement authority of:

12-51 (a) the municipality in which the  
12-52 institution is located; or

12-53 (b) the county in which the  
12-54 institution is located, if the institution is not located in a  
12-55 municipality; and

12-56 (B) not later than the seventh day after the date  
12-57 the person stops working or attending school, notify the  
12-58 appropriate authority for campus security or local law enforcement  
12-59 authority of the termination of the person's status as a worker or  
12-60 student.

12-61 [~~(i) If a person who is subject to the newspaper publication~~  
12-62 ~~requirements of Subsection (c) is not under community supervision,~~  
12-63 ~~parole, or mandatory supervision, the local law enforcement~~  
12-64 ~~authority obtaining publication of notice regarding the person as~~  
12-65 ~~required by that subsection shall collect from the person an amount~~  
12-66 ~~equal to the cost incurred by the authority in obtaining the~~  
12-67 ~~publication. The cost of the publication of notice must be~~  
12-68 ~~established by written receipt.~~

12-69 [~~Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A~~

~~local law enforcement authority may not publish notice in a newspaper under Article 62.03(e) or 62.04(f) if the basis on which the person is subject to registration is:~~

- ~~[(1) an adjudication of delinquent conduct, or~~
- ~~[(2) a conviction or a deferred adjudication for an~~

~~offense under Section 25.02, Penal Code, or an offense under the laws of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense under Section 25.02, Penal Code, if the victim was at the time of the offense a child younger than 17 years of age.~~

~~[(b) In addition to the prohibition on publication established under Subsection (a), a local law enforcement authority may not publish notice in a newspaper under Article 62.04(f) if the person subject to registration is assigned a numeric risk level of one.]~~

~~Art. 62.054 [62.032]. CIRCUMSTANCES REQUIRING NOTICE TO SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law enforcement authority shall provide notice to the superintendent and each administrator under Article 62.053(e) [62.03(e)] or 62.055(f) [62.04(f)] only if:~~

- ~~(1) the victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;~~
- ~~(2) the person subject to registration is a student enrolled in a public or private secondary school; or~~
- ~~(3) the basis on which the person is subject to registration is a conviction, a deferred adjudication, or an adjudication of delinquent conduct for an offense under Section 43.25 or 43.26, Penal Code, or an offense under the laws of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense under either of those sections.~~

~~(b) A local law enforcement authority may not provide notice to the superintendent or any administrator under Article 62.053(e) [62.03(e)] or 62.055(f) [62.04(f)] if the basis on which the person is subject to registration is a conviction, a deferred adjudication, or an adjudication of delinquent conduct for an offense under Section 25.02, Penal Code, or an offense under the laws of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense under that section.~~

~~[Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER SCREENING TOOL. (a) The Texas Department of Criminal Justice shall establish a risk assessment review committee composed of at least five members, each of whom is a state employee whose service on the review committee is in addition to the employee's regular duties. The review committee, to the extent feasible, should include at least:~~

- ~~[(1) one member having experience in law enforcement,~~
- ~~[(2) one member having experience working with juvenile sex offenders,~~
- ~~[(3) one member having experience as a sex offender treatment provider, and~~
- ~~[(4) one member having experience working with victims of sex offenses.~~

~~[(b) The risk assessment review committee functions in an oversight capacity. The committee shall:~~

- ~~[(1) develop or select from among existing tools a sex offender screening tool to be used in determining the level of risk of a person subject to registration under this chapter,~~
- ~~[(2) ensure that staff are trained on the use of the screening tool,~~
- ~~[(3) monitor the use of the screening tool in the state, and~~
- ~~[(4) analyze other screening tools as they become available and revise or replace the existing screening tool if warranted.~~

~~[(c) The sex offender screening tool must use an objective~~

14-1 ~~point system under which a person is assigned a designated number of~~  
 14-2 ~~points for each of various factors. In developing or selecting the~~  
 14-3 ~~sex offender screening tool, the risk assessment review committee~~  
 14-4 ~~shall use or shall select a screening tool that may be adapted to~~  
 14-5 ~~use the following general guidelines:~~

14-6 ~~[(1) level one (low): a designated range of points on~~  
 14-7 ~~the sex offender screening tool indicating that the person poses a~~  
 14-8 ~~low danger to the community and will not likely engage in criminal~~  
 14-9 ~~sexual conduct;~~

14-10 ~~[(2) level two (moderate): a designated range of~~  
 14-11 ~~points on the sex offender screening tool indicating that the~~  
 14-12 ~~person poses a moderate danger to the community and may continue to~~  
 14-13 ~~engage in criminal sexual conduct; and~~

14-14 ~~[(3) level three (high): a designated range of points~~  
 14-15 ~~on the sex offender screening tool indicating that the person poses~~  
 14-16 ~~a serious danger to the community and will continue to engage in~~  
 14-17 ~~criminal sexual conduct.~~

14-18 ~~[(d) The risk assessment review committee, the Texas~~  
 14-19 ~~Department of Criminal Justice, the Texas Youth Commission, or a~~  
 14-20 ~~court may override a risk level only if the entity:~~

14-21 ~~[(1) believes that the risk level assessed is not an~~  
 14-22 ~~accurate prediction of the risk the offender poses to the~~  
 14-23 ~~community; and~~

14-24 ~~[(2) documents the reason for the override in the~~  
 14-25 ~~offender's case file.~~

14-26 ~~[(e) Notwithstanding Chapter 58, Family Code, records and~~  
 14-27 ~~files, including records that have been sealed under Section 58.003~~  
 14-28 ~~of that code, relating to a person for whom a court, the Texas~~  
 14-29 ~~Department of Criminal Justice, or the Texas Youth Commission is~~  
 14-30 ~~required under this article to determine a level of risk shall be~~  
 14-31 ~~released to the court, department, or commission, as appropriate,~~  
 14-32 ~~for the purpose of determining the person's risk level.~~

14-33 ~~[(f) Chapter 551, Government Code, does not apply to a~~  
 14-34 ~~meeting of the risk assessment review committee.]~~

14-35 ~~Art. 62.055 [62.04]. CHANGE OF ADDRESS. (a) If a person~~  
 14-36 ~~required to register under this chapter intends to change address,~~  
 14-37 ~~regardless of whether the person intends to move to another state,~~  
 14-38 ~~the person shall, not later than the seventh day before the intended~~  
 14-39 ~~change, report in person to the local law enforcement authority~~  
 14-40 ~~designated as the person's primary registration authority by the~~  
 14-41 ~~department and to the juvenile probation officer, community~~  
 14-42 ~~supervision and corrections department officer, or parole officer~~  
 14-43 ~~supervising the person and provide the authority and the officer~~  
 14-44 ~~with the person's anticipated move date and new address. If a~~  
 14-45 ~~person required to register changes address, the person shall, not~~  
 14-46 ~~later than the later of the seventh day after changing the address~~  
 14-47 ~~or the first date the applicable local law enforcement authority by~~  
 14-48 ~~policy allows the person to report, report in person to the local~~  
 14-49 ~~law enforcement authority in the municipality or county in which~~  
 14-50 ~~the person's new residence is located and provide the authority~~  
 14-51 ~~with proof of identity and proof of residence.~~

14-52 ~~(b) Not later than the third day after receipt of notice~~  
 14-53 ~~under Subsection (a), the person's juvenile probation officer,~~  
 14-54 ~~community supervision and corrections department officer, or~~  
 14-55 ~~parole officer shall forward the information provided under~~  
 14-56 ~~Subsection (a) to the local law enforcement authority designated as~~  
 14-57 ~~the person's primary registration authority by the department and,~~  
 14-58 ~~if the person intends to move to another municipality or county in~~  
 14-59 ~~this state, to the applicable local law enforcement authority in~~  
 14-60 ~~that municipality or county.~~

14-61 ~~(c) If the person moves to another state that has a~~  
 14-62 ~~registration requirement for sex offenders, the person shall, not~~  
 14-63 ~~later than the 10th day after the date on which the person arrives~~  
 14-64 ~~in the other state, register with the law enforcement agency that is~~  
 14-65 ~~identified by the department as the agency designated by that state~~  
 14-66 ~~to receive registration information.~~

14-67 ~~(d) Not later than the third day after receipt of~~  
 14-68 ~~information under Subsection (a) or (b), whichever is earlier, the~~  
 14-69 ~~local law enforcement authority shall forward this information to~~

15-1 the department and, if the person intends to move to another  
 15-2 municipality or county in this state, to the applicable local law  
 15-3 enforcement authority in that municipality or county.

15-4 (e) If a person who reports to a local law enforcement  
 15-5 authority under Subsection (a) does not move on or before the  
 15-6 anticipated move date or does not move to the new address provided  
 15-7 to the authority, the person shall:

15-8 (1) not later than the seventh day after the  
 15-9 anticipated move date, and not less than weekly after that seventh  
 15-10 day, report to the local law enforcement authority designated as  
 15-11 the person's primary registration authority by the department and  
 15-12 provide an explanation to the authority regarding any changes in  
 15-13 the anticipated move date and intended residence; and

15-14 (2) report to the juvenile probation officer,  
 15-15 community supervision and corrections department officer, or  
 15-16 parole officer supervising the person not less than weekly during  
 15-17 any period in which the person has not moved to an intended  
 15-18 residence.

15-19 (f) If the person moves to another municipality or county in  
 15-20 this state, the department shall inform the applicable local law  
 15-21 enforcement authority in the new area of the person's residence not  
 15-22 later than the third day after the date on which the department  
 15-23 receives information under Subsection (a). Not later than the  
 15-24 eighth day after the date on which the local law enforcement  
 15-25 authority is informed under Subsection (a) or under this  
 15-26 subsection, the authority shall verify the age of the victim, the  
 15-27 basis on which the person is subject to registration under this  
 15-28 chapter, and the person's numeric risk level. ~~[The authority shall  
 15-29 immediately publish notice in English and Spanish in the newspaper  
 15-30 of greatest paid circulation in the county in which the person  
 15-31 subject to registration intends to reside or, if there is no  
 15-32 newspaper of paid circulation in that county, in the newspaper of  
 15-33 greatest general circulation in the county, except as provided by  
 15-34 Article 62.031. If the authority publishes notice under this  
 15-35 subsection, the authority shall publish a duplicate notice in the  
 15-36 newspaper, with any necessary corrections, during the week  
 15-37 immediately following the week of initial publication.]~~ The local  
 15-38 law enforcement authority shall ~~[also]~~ immediately provide notice  
 15-39 to the superintendent of the public school district and to the  
 15-40 administrator of any private primary or secondary school located in  
 15-41 the public school district in which the person subject to  
 15-42 registration intends to reside by mail to the office of the  
 15-43 superintendent or administrator, as appropriate, in accordance  
 15-44 with Article 62.054 ~~[62.032]~~. On receipt of a notice under this  
 15-45 subsection, the superintendent shall release the information  
 15-46 contained in the notice to appropriate school district personnel,  
 15-47 including peace officers and security personnel, principals,  
 15-48 nurses, and counselors.

15-49 (g) ~~[The local law enforcement authority shall include in  
 15-50 the notice by publication in a newspaper the following information  
 15-51 only:~~

- 15-52 ~~[(1) the person's full name, age, and gender,~~
- 15-53 ~~[(2) a brief description of the offense for which the  
 15-54 person is subject to registration,~~
- 15-55 ~~[(3) the municipality, numeric street address or  
 15-56 physical address, if a numeric street address is not available, and  
 15-57 zip code number where the person intends to reside,~~
- 15-58 ~~[(4) either a recent photograph of the person or the  
 15-59 Internet address of a website on which the person's photograph is  
 15-60 accessible free of charge, and~~
- 15-61 ~~[(5) the person's numeric risk level assigned under  
 15-62 this chapter and the guidelines used to determine a person's risk  
 15-63 level generally.~~

15-64 ~~[(h)]~~ The local law enforcement authority shall include in  
 15-65 the notice to the superintendent of the public school district and  
 15-66 the administrator of any private primary or secondary school  
 15-67 located in the public school district any information the authority  
 15-68 determines is necessary to protect the public, except:

- 15-69 (1) the person's social security number, driver's

16-1 license number, or telephone number; and

16-2 (2) any information that would identify the victim of  
16-3 the offense for which the person is subject to registration.

16-4 (h) ~~[(i)]~~ If the person moves to another state, the  
16-5 department shall, immediately on receiving information under  
16-6 Subsection (d):

16-7 (1) inform the ~~[law enforcement]~~ agency that is  
16-8 designated by the other state to receive registration information,  
16-9 if that state has a registration requirement for sex offenders; and

16-10 (2) send to the Federal Bureau of Investigation a copy  
16-11 of the person's registration form, including the record of  
16-12 conviction and a complete set of fingerprints.

16-13 ~~[(j) If a person who is subject to the newspaper publication  
16-14 requirements of Subsection (f) is not under community supervision,  
16-15 parole, or mandatory supervision, the local law enforcement  
16-16 authority obtaining publication of notice regarding the person as  
16-17 required by that subsection shall collect from the person an amount  
16-18 equal to the cost incurred by the authority in obtaining the  
16-19 publication. The cost of the publication of notice must be  
16-20 established by written receipt.~~

16-21 ~~[Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT  
16-22 COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"  
16-23 means water, wastewater, sewer, gas, garbage, electricity, or  
16-24 drainage service.~~

16-25 ~~[(b) A political subdivision served by a local law  
16-26 enforcement authority obtaining publication of notice under  
16-27 Article 62.03 or 62.04 may bill any unpaid amount under that  
16-28 article, identified separately, within a bill for a utility service  
16-29 provided by the political subdivision to the person who is the  
16-30 subject of the notice, and may suspend service of the utility to a  
16-31 person who is delinquent in payment of the amount until the  
16-32 delinquent claim is fully paid to the political subdivision.~~

16-33 ~~[(c) The political subdivision shall remit an amount  
16-34 collected under this article to the local law enforcement  
16-35 authority.]~~

16-36 Art. 62.056 ~~[62.045]~~. ADDITIONAL PUBLIC NOTICE FOR CERTAIN  
16-37 OFFENDERS. (a) On receipt of notice under this chapter that a  
16-38 person subject to registration is due to be released from a penal  
16-39 institution, has been placed on community supervision or juvenile  
16-40 probation, or intends to move to a new residence in this state, the  
16-41 department shall verify the person's numeric risk level assigned  
16-42 under this chapter. If the person is assigned a numeric risk level  
16-43 of three, the department shall, not later than the seventh day after  
16-44 the date on which the person is released or the 10th day after the  
16-45 date on which the person moves, provide written notice mailed or  
16-46 delivered to at least each ~~[residential]~~ address, other than a post  
16-47 office box, within a one-mile radius, in an area that has not been  
16-48 subdivided, or a three-block area, in an area that has been  
16-49 subdivided, of the place where the person intends to reside. In  
16-50 providing written notice under this subsection, the department  
16-51 shall use employees of the department whose duties in providing the  
16-52 notice are in addition to the employees' regular duties.

16-53 (b) The department shall provide the notice in English and  
16-54 Spanish and shall include in the notice any information that is  
16-55 public information under this chapter. The department may not  
16-56 include any information that is not public information under this  
16-57 chapter.

16-58 (c) The department shall establish procedures for a person  
16-59 with respect to whom notice is provided under Subsection (a), other  
16-60 than a person subject to registration on the basis of an  
16-61 adjudication of delinquent conduct, to pay to the department all  
16-62 costs incurred by the department in providing the notice. The  
16-63 person shall pay those costs in accordance with the procedures  
16-64 established under this subsection.

16-65 (d) On receipt of notice under this chapter that a person  
16-66 subject to registration under this chapter is required to register  
16-67 or verify registration with a local law enforcement authority and  
16-68 has been assigned a numeric risk level of three, the local law  
16-69 enforcement authority may provide notice to the public in any

17-1 manner determined appropriate by the local law enforcement  
 17-2 authority, including publishing notice in a newspaper or other  
 17-3 periodical or circular in circulation in the area where the person  
 17-4 intends to reside, holding a neighborhood meeting, posting notices  
 17-5 in the area where the person intends to reside, distributing  
 17-6 printed notices to area residents, or establishing a specialized  
 17-7 local website. The local law enforcement authority may include in  
 17-8 the notice only ~~[any]~~ information that is public information under  
 17-9 this chapter.

17-10 (e) An owner, builder, seller, or lessor of a single-family  
 17-11 residential real property or any improvement to residential real  
 17-12 property or that person's broker, salesperson, or other agent or  
 17-13 representative in a residential real estate transaction does not  
 17-14 have a duty to make a disclosure to a prospective buyer or lessee  
 17-15 about registrants under this chapter. To the extent of any conflict  
 17-16 between this subsection and another law imposing a duty to disclose  
 17-17 information about registered sex offenders, this subsection  
 17-18 controls.

17-19 ~~[Art. 62.0451. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS~~  
 17-20 ~~SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this~~  
 17-21 ~~chapter that a person subject to registration who is civilly~~  
 17-22 ~~committed as a sexually violent predator is due to be released from~~  
 17-23 ~~a penal institution or intends to move to a new residence in this~~  
 17-24 ~~state, the department shall, not later than the seventh day after~~  
 17-25 ~~the date on which the person is released or the 10th day after the~~  
 17-26 ~~date on which the person moves, provide written notice mailed or~~  
 17-27 ~~delivered to at least each residential address within a one-mile~~  
 17-28 ~~radius, in an area that has not been subdivided, or a three-block~~  
 17-29 ~~area, in an area that has been subdivided, of the place where the~~  
 17-30 ~~person intends to reside.~~

17-31 ~~[(b) The department shall provide the notice in English and~~  
 17-32 ~~Spanish and shall include in the notice any information that is~~  
 17-33 ~~public information under this chapter. The department may not~~  
 17-34 ~~include any information that is not public information under this~~  
 17-35 ~~chapter.~~

17-36 ~~[(c) The department shall establish procedures for a person~~  
 17-37 ~~with respect to whom notice is provided under this article to pay to~~  
 17-38 ~~the department all costs incurred by the department in providing~~  
 17-39 ~~the notice. The person shall pay those costs in accordance with the~~  
 17-40 ~~procedures established under this subsection.~~

17-41 ~~[(d) The department's duty to provide notice under this~~  
 17-42 ~~article in regard to a particular person ends on the date on which a~~  
 17-43 ~~court releases the person from all requirements of the civil~~  
 17-44 ~~commitment process.]~~

17-45 Art. 62.057 ~~[62.05]~~. STATUS REPORT BY SUPERVISING OFFICER  
 17-46 OR LOCAL LAW ENFORCEMENT AUTHORITY ~~[AGENCY]~~. (a) If the juvenile  
 17-47 probation officer, community supervision and corrections  
 17-48 department officer, or parole officer supervising a person subject  
 17-49 to registration under this chapter receives information to the  
 17-50 effect that the person's status has changed in any manner that  
 17-51 affects proper supervision of the person, including a change in the  
 17-52 person's name, physical health, job or educational status,  
 17-53 including higher educational status, incarceration, or terms of  
 17-54 release, the supervising officer shall promptly notify the  
 17-55 appropriate local law enforcement authority or authorities of that  
 17-56 change. If the person required to register intends to change  
 17-57 address, the supervising officer shall notify the local law  
 17-58 enforcement authorities designated by Article 62.055(b)  
 17-59 ~~[62.04(b)]~~. Not later than the seventh day after the date the  
 17-60 supervising officer receives the relevant information, the  
 17-61 supervising officer shall notify the local law enforcement  
 17-62 authority of any change in the person's job or educational status in  
 17-63 which the person:

17-64 (1) becomes employed, begins to carry on a vocation,  
 17-65 or becomes a student at a particular public or private institution  
 17-66 of higher education; or

17-67 (2) terminates the person's status in that capacity.

17-68 (b) Not later than the seventh day after the date of the  
 17-69 change, a person subject to registration under this chapter shall

18-1 report to the local law enforcement authority designated as the  
 18-2 person's primary registration authority by the department any  
 18-3 change in the person's name, physical health, or ~~[in the person's]~~  
 18-4 job or educational status, including higher educational status.

18-5 (c) For purposes of Subsection (b):

18-6 (1) ~~[this subsection,]~~ a person's job status changes  
 18-7 if the person leaves employment for any reason, remains employed by  
 18-8 an employer but changes the location at which the person works, or  
 18-9 begins employment with a new employer;

18-10 (2) ~~[For purposes of this subsection,]~~ a person's  
 18-11 health status changes if the person is hospitalized as a result of  
 18-12 an illness;

18-13 (3) ~~[For purposes of this subsection,]~~ a change in a  
 18-14 person's educational status includes the person's transfer from one  
 18-15 educational facility to another; and

18-16 (4) regarding ~~[Regarding]~~ a change of name, ~~[the]~~  
 18-17 notice of the [a] proposed name ~~[change]~~ provided to a local law  
 18-18 enforcement authority as described by Sections 45.004 and 45.103,  
 18-19 Family Code, is sufficient ~~[for purposes of this subsection]~~,  
 18-20 except that the person shall promptly notify the authority of any  
 18-21 denial of the person's petition for a change of name.

18-22 (d) Not later than the seventh day after the date the local  
 18-23 law enforcement authority receives the relevant information, the  
 18-24 local law enforcement authority shall notify the department of any  
 18-25 change in the person's job or educational status in which the  
 18-26 person:

18-27 (1) becomes employed, begins to carry on a vocation,  
 18-28 or becomes a student at a particular public or private institution  
 18-29 of higher education; or

18-30 (2) terminates the person's status in that capacity.

18-31 Art. 62.058 ~~[62.06]~~. LAW ENFORCEMENT VERIFICATION OF  
 18-32 REGISTRATION INFORMATION. (a) A person subject to registration  
 18-33 under this chapter who has for a sexually violent offense been  
 18-34 convicted two or more times, received an order of deferred  
 18-35 adjudication two or more times, or been convicted and received an  
 18-36 order of deferred adjudication shall report to the local law  
 18-37 enforcement authority designated as the person's primary  
 18-38 registration authority by the department not less than once in each  
 18-39 90-day period following the date the person first registered under  
 18-40 this chapter to verify the information in the registration form  
 18-41 maintained by the authority for that person. A person subject to  
 18-42 registration under this chapter who is not subject to the 90-day  
 18-43 reporting requirement described by this subsection shall report to  
 18-44 the local law enforcement authority designated as the person's  
 18-45 primary registration authority by the department once each year not  
 18-46 earlier than the 30th day before and not later than the 30th day  
 18-47 after the anniversary of the person's date of birth to verify the  
 18-48 information in the registration form maintained by the authority  
 18-49 for that person. For purposes of this subsection, a person complies  
 18-50 with a requirement that the person register within a 90-day period  
 18-51 following a date if the person registers at any time on or after the  
 18-52 83rd day following that date but before the 98th day after that  
 18-53 date.

18-54 (b) A local law enforcement authority designated as a  
 18-55 person's primary registration authority by the department may  
 18-56 direct the person to report to the authority to verify the  
 18-57 information in the registration form maintained by the authority  
 18-58 for that person. The authority may direct the person to report  
 18-59 under this subsection once in each 90-day period following the date  
 18-60 the person first registered under this chapter, if the person is  
 18-61 required to report not less than once in each 90-day period under  
 18-62 Subsection (a) or once in each year not earlier than the 30th day  
 18-63 before and not later than the 30th day after the anniversary of the  
 18-64 person's date of birth, if the person is required to report once  
 18-65 each year under Subsection (a). A local law enforcement authority  
 18-66 may not direct a person to report to the authority under this  
 18-67 subsection if the person is required to report under Subsection (a)  
 18-68 and is in compliance with the reporting requirements of that  
 18-69 subsection.

19-1 (c) A local law enforcement authority with whom a person  
 19-2 reports under this article shall require the person to produce  
 19-3 proof of the person's identity and residence before the authority  
 19-4 gives the registration form to the person for verification. If the  
 19-5 information in the registration form is complete and accurate, the  
 19-6 person shall verify registration by signing the form. If the  
 19-7 information is not complete or not accurate, the person shall make  
 19-8 any necessary additions or corrections before signing the form.

19-9 (d) A local law enforcement authority designated as a  
 19-10 person's primary registration authority by the department may at  
 19-11 any time mail a nonforwardable verification form to the last  
 19-12 reported address of the person. Not later than the 21st day after  
 19-13 receipt of a verification form under this subsection, the person  
 19-14 shall:

19-15 (1) indicate on the form whether the person still  
 19-16 resides at the last reported address and, if not, provide on the  
 19-17 form the person's new address;

19-18 (2) complete any other information required by the  
 19-19 form;

19-20 (3) sign the form; and

19-21 (4) return the form to the authority.

19-22 (e) For purposes of this article, a person receives multiple  
 19-23 convictions or orders of deferred adjudication regardless of  
 19-24 whether:

19-25 (1) the judgments or orders are entered on different  
 19-26 dates; or

19-27 (2) the offenses for which the person was convicted or  
 19-28 placed on deferred adjudication arose out of different criminal  
 19-29 transactions.

19-30 ~~[Art. 62.061. VERIFICATION OF INDIVIDUALS SUBJECT TO~~  
 19-31 ~~COMMITMENT. (a) Notwithstanding Article 62.06, if an individual~~  
 19-32 ~~subject to registration under this chapter is civilly committed as~~  
 19-33 ~~a sexually violent predator, the person shall report to the local~~  
 19-34 ~~law enforcement authority designated as the person's primary~~  
 19-35 ~~registration authority by the department not less than once in each~~  
 19-36 ~~30-day period following the date the person first registered under~~  
 19-37 ~~this chapter to verify the information in the registration form~~  
 19-38 ~~maintained by the authority for that person. For purposes of this~~  
 19-39 ~~subsection, a person complies with a requirement that the person~~  
 19-40 ~~register within a 30-day period following a date if the person~~  
 19-41 ~~registers at any time on or after the 27th day following that date~~  
 19-42 ~~but before the 33rd day after that date.~~

19-43 ~~[(b) On the date that a court releases a person described by~~  
 19-44 ~~Subsection (a) from all requirements of the civil commitment~~  
 19-45 ~~process:~~

19-46 ~~[(1) the person's duty to verify registration as a sex~~  
 19-47 ~~offender is no longer imposed by this article; and~~

19-48 ~~[(2) the person is required to verify registration as~~  
 19-49 ~~provided by Article 62.06.]~~

19-50 Art. 62.059 [62.062]. REGISTRATION OF PERSONS REGULARLY  
 19-51 VISITING LOCATION. (a) A person subject to this chapter who on at  
 19-52 least three occasions during any month spends more than 48  
 19-53 consecutive hours in a municipality or county in this state, other  
 19-54 than the municipality or county in which the person is registered  
 19-55 under this chapter, before the last day of that month shall report  
 19-56 that fact to:

19-57 (1) the local law enforcement authority of the  
 19-58 municipality in which the person is a visitor; or

19-59 (2) if the person is a visitor in a location that is  
 19-60 not a municipality, the local law enforcement authority of the  
 19-61 county in which the person is a visitor.

19-62 (b) A person described by Subsection (a) shall provide the  
 19-63 local law enforcement authority with:

19-64 (1) all information the person is required to provide  
 19-65 under Article 62.051(c) [62.02(b)];

19-66 (2) the address of any location in the municipality or  
 19-67 county, as appropriate, at which the person was lodged during the  
 19-68 month; and

19-69 (3) a statement as to whether the person intends to

return to the municipality or county during the succeeding month.

(c) This article does not impose on a local law enforcement authority requirements of public notification or notification to schools relating to a person about whom the authority is not otherwise required by this chapter to make notifications.

~~[Art. 62.063. REGISTRATION OF CERTAIN WORKERS OR STUDENTS. (a) A person is subject to this article and, except as otherwise provided by this article, to the other articles of this chapter if the person:~~

~~[(1) has a reportable conviction or adjudication;~~

~~[(2) resides in another state; and~~

~~[(3) is employed, carries on a vocation, or is a student in this state.~~

~~[(b) A person described by Subsection (a) is subject to the registration and verification requirements of Articles 62.02 and 62.06 and to the change of address requirements of Article 62.04, except that the registration and verification and the reporting of a change of address are based on the municipality or county in which the person works or attends school. The person is subject to the school notification requirements of Articles 62.03 and 62.04, except that notice provided to the superintendent and any administrator is based on the public school district in which the person works or attends school.~~

~~[(c) A person described by Subsection (a) is not subject to Article 62.12 and the newspaper publication requirements of Articles 62.03 and 62.04.~~

~~[(d) The duty to register for a person described by Subsection (a) ends when the person no longer works or studies in this state, provides notice of that fact to the local law enforcement authority in the municipality or county in which the person works or attends school, and receives notice of verification of that fact from the authority. The authority must verify that the person no longer works or studies in this state and must provide to the person notice of that verification within a reasonable time.~~

~~[(e) Notwithstanding Subsection (a), this article does not apply to a person who has a reportable conviction or adjudication, who resides in another state, and who is employed, carries on a vocation, or is a student in this state if the person establishes another residence in this state to work or attend school in this state. However, that person remains subject to the other articles of this chapter based on that person's residence in this state.~~

~~[Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh day after the date on which the person begins to work or attend school, a person required to register under Article 62.061, as added by Chapters 1193 and 1415, Acts of the 76th Legislature, Regular Session, 1999, or any other provision of this chapter who is employed, carries on a vocation, or is a student at a public or private institution of higher education in this state shall report that fact to:~~

~~[(1) the authority for campus security for that institution; or~~

~~[(2) if an authority for campus security for that institution does not exist, the local law enforcement authority of:~~

~~[(A) the municipality in which the institution is located; or~~

~~[(B) the county in which the institution is located, if the institution is not located in a municipality.~~

~~[(b) A person described by Subsection (a) shall provide the authority for campus security or the local law enforcement authority with all information the person is required to provide under Article 62.02(b).~~

~~[(c) A person described by Subsection (a) shall notify the authority for campus security or the local law enforcement authority not later than the seventh day after the date of termination of the person's status as a worker or student at the institution.~~

~~[(d) The authority for campus security or the local law enforcement authority shall promptly forward to the administrative~~

~~office of the institution any information received from the person under this article and any information received from the department under Article 62.08.~~

~~[(e) Subsection (a)(2) does not require a person to register at a local law enforcement authority if the person is otherwise required by this chapter to register at that authority.~~

~~[(f) This article does not impose the requirements of public notification or notification to public or private primary or secondary schools on:~~

~~[(1) an authority for campus security; or~~

~~[(2) a local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by this chapter to make notifications.~~

~~[(g) Notwithstanding Article 62.062, the requirements of this article supersede those of Article 62.062 for a person required to register under both this article and Article 62.062.]~~

Art. 62.060 [~~62.065~~]. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person subject to registration under this chapter shall apply to the department in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272, Transportation Code, an original or renewal personal identification certificate under Section 521.103, Transportation Code, or an original or renewal commercial driver's license or commercial driver learner's permit under Section 522.033, Transportation Code, not later than the 30th day after the date:

(1) the person is released from a penal institution or is released by a court on community supervision or juvenile probation [~~or community supervision~~]; or

(2) the department sends written notice to the person of the requirements of this article.

(b) The person shall annually renew in person each driver's license or personal identification certificate issued by the department to the person, including each renewal, duplicate, or corrected license or certificate, until the person's duty to register under this chapter expires.

Art. 62.061. DNA SPECIMEN. A person required to register under this chapter shall comply with a request for a DNA specimen made by a law enforcement agency under Section 411.1473, Government Code.

Art. 62.062. LIMITATION ON NEWSPAPER PUBLICATION. (a) Except as provided by Subsection (b), a local law enforcement authority may not publish notice in a newspaper or other periodical or circular concerning a person's registration under this chapter if the only basis on which the person is subject to registration is one or more adjudications of delinquent conduct.

(b) This article does not apply to a publication of notice under Article 62.056.

SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL PENALTIES FOR NONCOMPLIANCE

Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as provided by Subsection (b) and Subchapter I, the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

(1) a sexually violent offense;

(2) an offense under Section 25.02, 43.05(a)(2), or 43.26, Penal Code;

(3) an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter;

(4) an offense under Section 20.02, 20.03, or 20.04, Penal Code, if:

(A) the judgment in the case contains an affirmative finding under Article 42.015 or, for a deferred adjudication, the papers in the case contain an affirmative finding

22-1 that the victim or intended victim was younger than 17 years of age;  
 22-2 and

22-3 (B) before or after the person is convicted or  
 22-4 adjudicated for the offense under Section 20.02, 20.03, or 20.04,  
 22-5 Penal Code, the person receives or has received another reportable  
 22-6 conviction or adjudication, other than an adjudication of  
 22-7 delinquent conduct, for an offense or conduct that requires  
 22-8 registration under this chapter; or

22-9 (5) an offense under Section 43.23, Penal Code, that  
 22-10 is punishable under Subsection (h) of that section.

22-11 (b) Except as provided by Subchapter I, the duty to register  
 22-12 for a person otherwise subject to Subsection (a) ends on the 10th  
 22-13 anniversary of the date on which the person is released from a penal  
 22-14 institution or discharges community supervision or the court  
 22-15 dismisses the criminal proceedings against the person and  
 22-16 discharges the person, whichever date is later, if the person's  
 22-17 duty to register is based on a conviction or an order of deferred  
 22-18 adjudication in a cause that was transferred to a district court or  
 22-19 criminal district court under Section 54.02, Family Code.

22-20 (c) Except as provided by Subchapter I, the duty to register  
 22-21 for a person with a reportable conviction or adjudication for an  
 22-22 offense other than an offense described by Subsection (a) ends:

22-23 (1) if the person's duty to register is based on an  
 22-24 adjudication of delinquent conduct, on the 10th anniversary of the  
 22-25 date on which the disposition is made or the person completes the  
 22-26 terms of the disposition, whichever date is later; or

22-27 (2) if the person's duty to register is based on a  
 22-28 conviction or on an order of deferred adjudication, on the 10th  
 22-29 anniversary of the date on which the court dismisses the criminal  
 22-30 proceedings against the person and discharges the person, the  
 22-31 person is released from a penal institution, or the person  
 22-32 discharges community supervision, whichever date is later.

22-33 [~~Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. A person~~  
 22-34 ~~subject to registration under this chapter may petition the~~  
 22-35 ~~district court for injunctive relief to restrain a local law~~  
 22-36 ~~enforcement authority from publishing notice in a newspaper as~~  
 22-37 ~~required by Article 62.03 or 62.04. The court may issue a temporary~~  
 22-38 ~~restraining order under this article before notice is served and a~~  
 22-39 ~~hearing is held on the matter. After a hearing on the matter, the~~  
 22-40 ~~court may grant any injunctive relief warranted by the facts,~~  
 22-41 ~~including a restraining order or a temporary or permanent~~  
 22-42 ~~injunction, if the person subject to registration under this~~  
 22-43 ~~chapter proves by a preponderance of the evidence specific facts~~  
 22-44 ~~indicating that newspaper publication under Article 62.03 or 62.04~~  
 22-45 ~~would place the person's health and well-being in immediate danger.~~

22-46 [~~Art. 62.08. CENTRAL DATABASE, PUBLIC INFORMATION. (a) The~~  
 22-47 ~~department shall maintain a computerized central database~~  
 22-48 ~~containing only the information required for registration under~~  
 22-49 ~~this chapter.~~

22-50 [~~(b) The information contained in the database is public~~  
 22-51 ~~information, with the exception of any information:~~

22-52 [~~(1) regarding the person's social security number,~~  
 22-53 ~~driver's license number, or telephone number;~~

22-54 [~~(2) that is required by the department under Article~~  
 22-55 ~~62.02(b)(7); or~~

22-56 [~~(3) that would identify the victim of the offense for~~  
 22-57 ~~which the person is subject to registration.~~

22-58 [~~(c) Notwithstanding Chapter 730, Transportation Code, the~~  
 22-59 ~~department shall maintain in the database, and shall post on any~~  
 22-60 ~~department website related to the database, any photograph of the~~  
 22-61 ~~person that is available through the process for obtaining or~~  
 22-62 ~~renewing a personal identification certificate or driver's license~~  
 22-63 ~~under Section 521.103 or 521.272, Transportation Code. The~~  
 22-64 ~~department shall update the photograph in the database and on the~~  
 22-65 ~~website annually or as the photograph otherwise becomes available~~  
 22-66 ~~through the renewal process for the certificate or license.~~

22-67 [~~(d) A local law enforcement authority shall release public~~  
 22-68 ~~information described under Subsection (b) to any person who~~  
 22-69 ~~submits to the authority a written request for the information. The~~

~~23-1 authority may charge the person a fee not to exceed the amount  
23-2 reasonably necessary to cover the administrative costs associated  
23-3 with the authority's release of information to the person under  
23-4 this subsection.~~

~~23-5 [(e) The department shall provide a licensing authority  
23-6 with notice of any person required to register under this chapter  
23-7 who holds or seeks a license that is issued by the authority. The  
23-8 department shall provide the notice required by this subsection as  
23-9 the applicable licensing information becomes available through the  
23-10 person's registration or verification of registration.~~

~~23-11 [(f) On the written request of a licensing authority that  
23-12 identifies an individual and states that the individual is an  
23-13 applicant for or a holder of a license issued by the authority, the  
23-14 department shall release any information described by Subsection  
23-15 (a) to the licensing authority.~~

~~23-16 [(g) For the purposes of Subsections (e) and (f):~~

~~23-17 [(1) "License" means a license, certificate,  
23-18 registration, permit, or other authorization that:~~

~~23-19 [(A) is issued by a licensing authority; and~~

~~23-20 [(B) a person must obtain to practice or engage  
23-21 in a particular business, occupation, or profession.~~

~~23-22 [(2) "Licensing authority" means a department,  
23-23 commission, board, office, or other agency of the state or a  
23-24 political subdivision of the state that issues a license.~~

~~23-25 [(h) Not later than the third day after the date on which the  
23-26 applicable information becomes available through the person's  
23-27 registration or verification of registration or under Article  
23-28 62.05, the department shall send notice of any person required to  
23-29 register under this chapter who is or will be employed, carrying on  
23-30 a vocation, or a student at a public or private institution of  
23-31 higher education in this state to:~~

~~23-32 [(1) for an institution in this state:~~

~~23-33 [(A) the authority for campus security for that  
23-34 institution; or~~

~~23-35 [(B) if an authority for campus security for that  
23-36 institution does not exist, the local law enforcement authority of:~~

~~23-37 [(i) the municipality in which the  
23-38 institution is located; or~~

~~23-39 [(ii) the county in which the institution  
23-40 is located, if the institution is not located in a municipality; or~~

~~23-41 [(2) for an institution in another state, any existing  
23-42 authority for campus security at that institution.~~

~~23-43 [(i) On the written request of an institution of higher  
23-44 education described by Subsection (h) that identifies an individual  
23-45 and states that the individual has applied to work or study at the  
23-46 institution, the department shall release any information  
23-47 described by Subsection (a) to the institution.~~

~~23-48 [Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. The  
23-49 department shall establish a procedure by which a peace officer or  
23-50 employee of a law enforcement agency who provides the department  
23-51 with a driver's license, personal identification certificate, or  
23-52 license plate number is automatically provided information as to  
23-53 whether the person to whom the driver's license or personal  
23-54 identification certificate is issued is required to register under  
23-55 this chapter or whether the license plate number is entered in the  
23-56 computerized central database under Article 62.08 as assigned to a  
23-57 vehicle owned or driven by a person required to register under this  
23-58 chapter.~~

~~23-59 [Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.~~

~~23-60 (a) The department, a penal institution, a local law enforcement  
23-61 authority, or an authority for campus security may release to the  
23-62 public information regarding a person required to register only if  
23-63 the information is public information under this chapter.~~

~~23-64 [(b) An individual, agency, entity, or authority is not  
23-65 liable under Chapter 101, Civil Practice and Remedies Code, or any  
23-66 other law for damages arising from conduct authorized by Subsection  
23-67 (a).~~

~~23-68 [(c) For purposes of determining liability, the release or  
23-69 withholding of information by an appointed or elected officer of an~~

24-1 agency, entity, or authority is a discretionary act.

24-2 [~~(d) A private primary or secondary school, public or~~  
 24-3 ~~private institution of higher education, or administrator of a~~  
 24-4 ~~private primary or secondary school or public or private~~  
 24-5 ~~institution of higher education may release to the public~~  
 24-6 ~~information regarding a person required to register only if the~~  
 24-7 ~~information is public information under this chapter and is~~  
 24-8 ~~released to the administrator under Article 62.03, 62.04, 62.064,~~  
 24-9 ~~or 62.08. A private primary or secondary school, public or private~~  
 24-10 ~~institution of higher education, or administrator of a private~~  
 24-11 ~~primary or secondary school or public or private institution of~~  
 24-12 ~~higher education is not liable under any law for damages arising~~  
 24-13 ~~from conduct authorized by this subsection.~~

24-14 [~~Art. 62.091. GENERAL IMMUNITY. The following persons are~~  
 24-15 ~~immune from liability for good faith conduct under this chapter.~~

24-16 [~~(1) an employee or officer of the Texas Department of~~  
 24-17 ~~Criminal Justice, the Texas Youth Commission, the Texas Juvenile~~  
 24-18 ~~Probation Commission, or the Department of Public Safety,~~

24-19 [~~(2) an employee or officer of a community supervision~~  
 24-20 ~~and corrections department or a juvenile probation department, and~~

24-21 [~~(3) a member of the judiciary.]~~

24-22 Art. 62.102 [~~62.10~~]. FAILURE TO COMPLY WITH REGISTRATION  
 24-23 REQUIREMENTS. (a) A person commits an offense if the person is  
 24-24 required to register and fails to comply with any requirement of  
 24-25 this chapter.

24-26 (b) An offense under this article is:

24-27 (1) a state jail felony if the actor is a person whose  
 24-28 duty to register expires under Article 62.101(b) or (c) [~~62.12(b)~~];

24-29 (2) a felony of the third degree if the actor is a  
 24-30 person whose duty to register expires under Article 62.101(a)  
 24-31 [~~62.12(a)~~] and who is required to verify registration once each  
 24-32 year under Article 62.058 [~~62.06~~]; and

24-33 (3) a felony of the second degree if the actor is a  
 24-34 person whose duty to register expires under Article 62.101(a)  
 24-35 [~~62.12(a)~~] and who is required to verify registration once each  
 24-36 90-day period under Article 62.058 [~~62.06~~].

24-37 (c) If it is shown at the trial of a person for an offense or  
 24-38 an attempt to commit an offense under this article that the person  
 24-39 has previously been convicted of an offense or an attempt to commit  
 24-40 an offense under this article, the punishment for the offense or the  
 24-41 attempt to commit the offense is increased to the punishment for the  
 24-42 next highest degree of felony.

24-43 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN  
 24-44 WORKERS AND STUDENTS

24-45 Art. 62.151. DEFINITIONS. For purposes of this subchapter,  
 24-46 a person:

24-47 (1) is employed or carries on a vocation if the person  
 24-48 works or volunteers on a full-time or part-time basis for a  
 24-49 consecutive period exceeding 14 days or for an aggregate period  
 24-50 exceeding 30 days in a calendar year;

24-51 (2) works regardless of whether the person works for  
 24-52 compensation or for governmental or educational benefit; and

24-53 (3) is a student if the person enrolls on a full-time  
 24-54 or part-time basis in any educational facility, including:

24-55 (A) a public or private primary or secondary  
 24-56 school, including a high school or alternative learning center; or

24-57 (B) a public or private institution of higher  
 24-58 education.

24-59 Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

24-60 (a) A person is subject to this subchapter and, except as otherwise  
 24-61 provided by this article, to the other subchapters of this chapter  
 24-62 if the person:

24-63 (1) has a reportable conviction or adjudication;

24-64 (2) resides in another state; and

24-65 (3) is employed, carries on a vocation, or is a student  
 24-66 in this state.

24-67 (b) A person described by Subsection (a) is subject to the  
 24-68 registration and verification requirements of Articles 62.051 and  
 24-69 62.058 and to the change of address requirements of Article 62.055,

25-1 except that the registration and verification and the reporting of  
 25-2 a change of address are based on the municipality or county in which  
 25-3 the person works or attends school. The person is subject to the  
 25-4 school notification requirements of Articles 62.053-62.055, except  
 25-5 that notice provided to the superintendent and any administrator is  
 25-6 based on the public school district in which the person works or  
 25-7 attends school.

25-8 (c) A person described by Subsection (a) is not subject to  
 25-9 Article 62.101.

25-10 (d) The duty to register for a person described by  
 25-11 Subsection (a) ends when the person no longer works or studies in  
 25-12 this state, provides notice of that fact to the local law  
 25-13 enforcement authority in the municipality or county in which the  
 25-14 person works or attends school, and receives notice of verification  
 25-15 of that fact from the authority. The authority must verify that the  
 25-16 person no longer works or studies in this state and must provide to  
 25-17 the person notice of that verification within a reasonable time.

25-18 (e) Notwithstanding Subsection (a), this article does not  
 25-19 apply to a person who has a reportable conviction or adjudication,  
 25-20 who resides in another state, and who is employed, carries on a  
 25-21 vocation, or is a student in this state if the person establishes  
 25-22 another residence in this state to work or attend school in this  
 25-23 state. However, that person remains subject to the other articles  
 25-24 of this chapter based on that person's residence in this state.

25-25 Art. 62.153. REGISTRATION OF WORKERS OR STUDENTS AT  
 25-26 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the later of  
 25-27 the seventh day after the date on which the person begins to work or  
 25-28 attend school or the first date the applicable authority by policy  
 25-29 allows the person to register, a person required to register under  
 25-30 Article 62.152 or any other provision of this chapter who is  
 25-31 employed, carries on a vocation, or is a student at a public or  
 25-32 private institution of higher education in this state shall report  
 25-33 that fact to:

25-34 (1) the authority for campus security for that  
 25-35 institution; or

25-36 (2) if an authority for campus security for that  
 25-37 institution does not exist, the local law enforcement authority of:

25-38 (A) the municipality in which the institution is  
 25-39 located; or

25-40 (B) the county in which the institution is  
 25-41 located, if the institution is not located in a municipality.

25-42 (b) A person described by Subsection (a) shall provide the  
 25-43 authority for campus security or the local law enforcement  
 25-44 authority with all information the person is required to provide  
 25-45 under Article 62.051(c).

25-46 (c) A person described by Subsection (a) shall notify the  
 25-47 authority for campus security or the local law enforcement  
 25-48 authority not later than the seventh day after the date of  
 25-49 termination of the person's status as a worker or student at the  
 25-50 institution.

25-51 (d) The authority for campus security or the local law  
 25-52 enforcement authority shall promptly forward to the administrative  
 25-53 office of the institution any information received from the person  
 25-54 under this article and any information received from the department  
 25-55 under Article 62.005.

25-56 (e) Subsection (a)(2) does not require a person to register  
 25-57 with a local law enforcement authority if the person is otherwise  
 25-58 required by this chapter to register with that authority.

25-59 (f) This article does not impose the requirements of public  
 25-60 notification or notification to public or private primary or  
 25-61 secondary schools on:

25-62 (1) an authority for campus security; or

25-63 (2) a local law enforcement authority, if those  
 25-64 requirements relate to a person about whom the authority is not  
 25-65 otherwise required by this chapter to make notifications.

25-66 (g) Notwithstanding Article 62.059, the requirements of  
 25-67 this article supersede those of Article 62.059 for a person  
 25-68 required to register under both this article and Article 62.059.

25-69 SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS

## SUBJECT TO CIVIL COMMITMENT

Art. 62.201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this chapter that a person subject to registration who is civilly committed as a sexually violent predator is due to be released from a penal institution or intends to move to a new residence in this state, the department shall, not later than the seventh day after the date on which the person is released or the seventh day after the date on which the person moves, provide written notice mailed or delivered to at least each address, other than a post office box, within a one-mile radius, in an area that has not been subdivided, or a three-block area, in an area that has been subdivided, of the place where the person intends to reside.

(b) The department shall provide the notice in English and Spanish and shall include in the notice any information that is public information under this chapter. The department may not include any information that is not public information under this chapter.

(c) The department shall establish procedures for a person with respect to whom notice is provided under this article to pay to the department all costs incurred by the department in providing the notice. The person shall pay those costs in accordance with the procedures established under this subsection.

(d) The department's duty to provide notice under this article in regard to a particular person ends on the date on which a court releases the person from all requirements of the civil commitment process.

Art. 62.202. VERIFICATION OF INDIVIDUALS SUBJECT TO COMMITMENT. (a) Notwithstanding Article 62.058, if an individual subject to registration under this chapter is civilly committed as a sexually violent predator, the person shall report to the local law enforcement authority designated as the person's primary registration authority by the department not less than once in each 30-day period following the date the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person. For purposes of this subsection, a person complies with a requirement that the person register within a 30-day period following a date if the person registers at any time on or after the 27th day following that date but before the 33rd day after that date.

(b) On the date a court releases a person described by Subsection (a) from all requirements of the civil commitment process:

(1) the person's duty to verify registration as a sex offender is no longer imposed by this article; and

(2) the person is required to verify registration as provided by Article 62.058.

Art. 62.203 [~~62.101~~]. FAILURE TO COMPLY: INDIVIDUALS SUBJECT TO COMMITMENT. (a) A person commits an offense if the person, after commitment as a sexually violent predator but before the person is released from all requirements of the civil commitment process, fails to comply with any requirement of this chapter.

(b) An offense under this article [~~section~~] is a felony of the second degree.

## SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

[~~Art. 62.11. APPLICABILITY.~~ (a) This chapter applies only to a reportable conviction or adjudication occurring on or after September 1, 1970, except that the provisions of Articles 62.03 and 62.04 of this chapter relating to the requirement of newspaper publication apply only to a reportable conviction or adjudication occurring on or after:

(1) September 1, 1997, if the conviction or adjudication relates to an offense under Section 43.05, Penal Code, or

(2) September 1, 1995, if the conviction or adjudication relates to any other offense listed in Article 62.01(5).

[~~(b) Except as provided by Subsection (c), the duties~~

~~imposed on a person required to register under this chapter on the basis of a reportable conviction or adjudication, and the corresponding duties and powers of other entities in relation to the person required to register on the basis of that conviction or adjudication, are not affected by:~~

~~[(1) an appeal of the conviction or adjudication; or~~

~~[(2) a pardon of the conviction or adjudication.~~

~~[(c) If a conviction or adjudication that is the basis of a duty to register under this chapter is set aside on appeal by a court or if the person required to register under this chapter on the basis of a conviction or adjudication receives a pardon on the basis of subsequent proof of innocence, the duties imposed on the person by this chapter and the corresponding duties and powers of other entities in relation to the person are terminated.~~

~~[Art. 62.12. EXPIRATION OF DUTY TO REGISTER. (a) The duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:~~

~~[(1) a sexually violent offense;~~

~~[(2) an offense under Section 25.02, 43.05(a)(2), or 43.26, Penal Code;~~

~~[(3) an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter; or~~

~~[(4) an offense under Section 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, if:~~

~~[(A) the judgment in the case contains an affirmative finding under Article 42.015 or, for a deferred adjudication, the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age; and~~

~~[(B) before or after the person is convicted or adjudicated for the offense under Section 20.02, 20.03, or 20.04, Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter.~~

~~[(b) The duty to register for a person with a reportable conviction or adjudication for an offense other than an offense described by Subsection (a) ends:~~

~~[(1) if the person's duty to register is based on an adjudication of delinquent conduct, on the 10th anniversary of the date on which the disposition is made or the person completes the terms of the disposition, whichever date is later; or~~

~~[(2) if the person's duty to register is based on a conviction or on an order of deferred adjudication, on the 10th anniversary of the date on which the court dismisses the criminal proceedings against the person and discharges the person, the person is released from county jail, or the person discharges community supervision, whichever date is later.~~

~~[Art. 62.13. HEARING TO DETERMINE NEED FOR REGISTRATION OF A JUVENILE. (a) A person who has an adjudication of delinquent conduct that would otherwise be reportable under Article 62.01(5) does not have a reportable adjudication of delinquent conduct for purposes of this chapter if the juvenile court enters an order under this article excusing compliance by the person with the registration requirements of this chapter.~~

~~[(b) During or after disposition of a case under Section 54.04, Family Code, for adjudication of an offense for which registration is required under this chapter, the juvenile court on motion of the respondent shall conduct a hearing to determine whether the interests of the public require registration under this chapter. The motion may be filed and the hearing held regardless of whether the respondent is under 18 years of age.~~

~~[(c) The hearing is without a jury and the burden of~~

~~persuasion is on the respondent to show by a preponderance of evidence that the criteria of Subsection (e) have been met. The court at the hearing may make its determination based on:~~

~~[(1) the receipt of exhibits,  
 (2) the testimony of witnesses,  
 (3) representations of counsel for the parties, or  
 (4) the contents of a social history report prepared by the juvenile probation department that may include the results of testing and examination of the respondent by a psychologist, psychiatrist, or counselor.~~

~~[(d) All written matter considered by the court shall be disclosed to all parties as provided by Section 54.04(b), Family Code.~~

~~[(e) The court shall enter an order excusing compliance with the registration requirements of this chapter if the court determines:~~

~~[(1) that the protection of the public would not be increased by registration of the respondent under this chapter; or~~

~~[(2) that any potential increase in protection of the public resulting from registration is clearly outweighed by the anticipated substantial harm to the respondent and the respondent's family that would result from registration under this chapter.~~

~~[(f) The prosecuting attorney may waive the state's right to a hearing under this article and agree that registration under this chapter is not required. If the waiver is entered under a plea agreement, the court shall without a hearing enter an order excusing compliance with the registration requirements of this chapter or, under Section 54.03(j), Family Code, inform the respondent that the court believes a hearing under this article is required and give the respondent the opportunity to withdraw the respondent's plea of guilty, nolo contendere, or true or to affirm the respondent's plea and participate in the hearing. If the waiver is entered other than under a plea agreement, the court shall without a hearing enter an order excusing compliance with the registration requirements of this chapter. The waiver must state whether or not it is entered under a plea agreement. The respondent may as part of a plea agreement promise not to file a motion seeking an order excusing registration, in which case the court may not recognize the motion.~~

~~[(g) Notwithstanding Section 56.01, Family Code, on entry by a juvenile court of an order under Subsection (e) excusing registration under this chapter, the prosecuting attorney may appeal that order by giving notice of appeal within the time required under Rule 26.2(b), Texas Rules of Appellate Procedure. The appeal is civil and the standard of review in the appellate court is whether the juvenile court committed procedural error or abused its discretion in excusing compliance with registration. The appeal is limited to review of the order excusing compliance with registration and may not include any other issues in the case.~~

~~[(h) The respondent may under Section 56.01, Family Code, appeal the juvenile court's order requiring registration in the same manner as the appeal of any other legal issue in the case. The standard of review in the appellate court is whether the juvenile court committed procedural error or abused its discretion in not excusing compliance with registration.~~

~~[(i) If the juvenile court enters an order excusing registration, the respondent may not be required to register in this or any other state for the offense for which registration was excused.~~

~~[(j) After a hearing under Subsection (b) or under a plea agreement under Subsection (f), the juvenile court may enter an order deferring decision on requiring registration until the respondent has completed treatment for the respondent's sexual offense as a condition of probation or while committed to the Texas Youth Commission. The court retains discretion to require or to excuse registration at any time during the treatment or on its successful or unsuccessful completion. During the period of deferral, registration may not be required. Following successful completion of treatment, registration is excused unless a hearing~~

~~under this article is held on motion of the state and the court determines the interests of the public require registration. Not later than the 10th day after the date of the respondent's successful completion of treatment, the treatment provider shall notify the juvenile court and prosecuting attorney of the completion.~~

~~[(k) After a hearing under Subsection (b) or under a plea agreement under Subsection (f), the juvenile court may enter an order requiring the respondent to register as a sex offender but provide that the registration information is not public information and is restricted to use by law enforcement and criminal justice agencies and public or private institutions of higher education. Information obtained under this subsection may not be posted on the Internet or released to the public.~~

~~[(l) A person who has registered as a sex offender for an adjudication of delinquent conduct, regardless of when the delinquent conduct or the adjudication for the conduct occurred, may file a motion in the adjudicating juvenile court for a hearing seeking excusal from registration as provided by Subsection (c) or seeking under Subsection (k) an order that the registration become nonpublic.~~

~~[(m) The person may file a motion under Subsection (l) in the original juvenile case regardless of whether the person is at the time of filing 18 years of age or older. Notice of the motion shall be provided to the prosecuting attorney. A hearing on the motion shall be provided as in other cases under this article.~~

~~[(n) Only one motion may be filed under Subsection (l) if a previous motion under this article has been filed concerning that case.~~

~~[(o) To the extent feasible, the motion under Subsection (l) shall identify those public and private agencies and organizations, including public or private institutions of higher education, that possess sex offender registration information about the case.~~

~~[(p) The juvenile court, after a hearing, may:~~

- ~~[(1) deny the motion;~~
- ~~[(2) grant the motion to excuse all registration; or~~
- ~~[(3) grant the motion to change the registration from public to nonpublic.~~

~~[(q) If the court grants the motion, the clerk of the court shall by certified mail, return receipt requested, send a copy of the order to the department, to each local law enforcement authority that the person has proved to the juvenile court has registration information about the person, and to each public or private agency or organization that the person has proved to the juvenile court has information about the person that is currently available to the public with or without payment of a fee. The clerk of the court shall by certified mail, return receipt requested, send a copy of the order to any other agency or organization designated by the person. The person shall identify the agency or organization and its address and pay a fee of \$20 to the court for each agency or organization the person designates.~~

~~[(q) If the court grants the motion, a copy of the court's order shall be sent to:~~

~~[(1) each public or private agency or organization that the court determines may be in possession of sex offender registration information pertaining to the person required to register under this chapter; and~~

~~[(2) at the request of the person required to register under this chapter, each public or private agency or organization that at any time following the initial dissemination of the order under Subdivision (1) gains possession of sex offender registration information pertaining to that person, if the agency or organization did not otherwise receive a copy of the order under Subdivision (1).~~

~~[(q-1) An order under Subsection (q) shall require the recipient to conform its records to the court's orders either by deleting the sex offender registration information or changing its status to nonpublic, as the order requires. A public or private institution of higher education may not be required to delete the~~

30-1 ~~sex offender registration information under this subsection.~~

30-2 ~~[(r) A private agency or organization that possesses sex~~  
 30-3 ~~offender registration information it obtained from a state, county,~~  
 30-4 ~~or local governmental entity is required to conform its records to~~  
 30-5 ~~the court's order on or before the 30th day after the date of its~~  
 30-6 ~~entry. Failure to comply in that period automatically bars an~~  
 30-7 ~~agency or organization, other than a public or private institution~~  
 30-8 ~~of higher education, from obtaining sex offender registration~~  
 30-9 ~~information from any state, county, or local governmental entity in~~  
 30-10 ~~this state in the future.~~

30-11 ~~[(s) A person required to register as a sex offender in this~~  
 30-12 ~~state because of an out-of-state adjudication of delinquent conduct~~  
 30-13 ~~may file in the juvenile court of the person's county of residence a~~  
 30-14 ~~petition under Subsection (a) for an order to excuse compliance~~  
 30-15 ~~with this chapter. If the person is already registered as a sex~~  
 30-16 ~~offender in this state because of an out-of-state adjudication of~~  
 30-17 ~~delinquent conduct, the person may file in the juvenile court of the~~  
 30-18 ~~person's county of residence a petition under Subsection (l) for an~~  
 30-19 ~~order removing the person from sex offender registries in this~~  
 30-20 ~~state. On receipt of a petition to excuse compliance or for~~  
 30-21 ~~removal, the juvenile court shall conduct a hearing and make~~  
 30-22 ~~rulings as in other cases under this article. An order entered under~~  
 30-23 ~~this subsection requiring removal of registration information~~  
 30-24 ~~applies only to registration information derived from registration~~  
 30-25 ~~in this state.]~~

30-26 Art. 62.251 [62.14]. REMOVING [JUVENILE] REGISTRATION  
 30-27 INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no  
 30-28 longer required to register as a sex offender under this chapter  
 30-29 ~~[for an adjudication of delinquent conduct]~~, the department shall  
 30-30 remove all information about the person from the sex offender  
 30-31 registry.

30-32 (b) The duty to remove information under Subsection (a)  
 30-33 arises if:

30-34 (1) the department has received notice from a local  
 30-35 law enforcement authority under Subsection (c) or (d) that the  
 30-36 person is no longer required to register or will no longer be  
 30-37 required to renew registration and the department verifies the  
 30-38 correctness of that information;

30-39 (2) the ~~[juvenile]~~ court having jurisdiction over  
 30-40 ~~[that adjudicated]~~ the case for which registration is required  
 30-41 requests removal and the department determines that the duty to  
 30-42 register has expired; or

30-43 (3) the person or the person's representative requests  
 30-44 removal and the department determines that the duty to register has  
 30-45 expired.

30-46 (c) When a person required to register under this chapter  
 30-47 ~~[for an adjudication of delinquent conduct]~~ appears before a local  
 30-48 law enforcement authority to renew or modify registration  
 30-49 information, the authority shall determine whether the duty to  
 30-50 register has expired. If the authority determines that the duty to  
 30-51 register has expired, the authority shall remove all information  
 30-52 about the person from the sex offender registry and notify the  
 30-53 department that the person's duty to register has expired.

30-54 (d) When a person required to register under this chapter  
 30-55 ~~[for an adjudication of delinquent conduct]~~ appears before a local  
 30-56 law enforcement authority to renew registration information, the  
 30-57 authority shall determine whether the renewal is the final annual  
 30-58 renewal of registration required by law. If the authority  
 30-59 determines that the person's duty to register will expire before  
 30-60 the next annual renewal is scheduled, the authority shall  
 30-61 automatically remove all information about the person from the sex  
 30-62 offender registry on expiration of the duty to register and notify  
 30-63 the department that the information about the person has been  
 30-64 removed from the registry.

30-65 (e) When the department has removed information under  
 30-66 Subsection (a), the department shall notify all local law  
 30-67 enforcement authorities that have provided registration  
 30-68 information to the department about the person of the removal. A  
 30-69 local law enforcement authority that receives notice from the

31-1 department under this subsection shall remove all registration  
31-2 information about the person from its registry.

31-3 (f) When the department has removed information under  
31-4 Subsection (a), the department shall notify all public and private  
31-5 agencies or organizations to which it has provided registration  
31-6 information about the person of the removal. On receiving notice,  
31-7 the public or private agency or organization shall remove all  
31-8 registration information about the person from any registry the  
31-9 agency or organization maintains that is accessible to the public  
31-10 with or without charge.

31-11 SUBCHAPTER G. EXEMPTION FROM REGISTRATION FOR  
31-12 CERTAIN YOUNG ADULT SEX OFFENDERS

31-13 Art. 62.301. EXEMPTION FROM REGISTRATION FOR CERTAIN YOUNG  
31-14 ADULT SEX OFFENDERS. (a) If eligible under Subsection (b) or (c),  
31-15 a person required to register under this chapter may petition the  
31-16 court having jurisdiction over the case for an order exempting the  
31-17 person from registration under this chapter at any time after the  
31-18 person's sentencing or after the person is placed on deferred  
31-19 adjudication community supervision.

31-20 (b) A person is eligible to petition the court as described  
31-21 by Subsection (a) if:

31-22 (1) the person is required to register only as a result  
31-23 of a single reportable conviction or adjudication, other than an  
31-24 adjudication of delinquent conduct; and

31-25 (2) the court has entered in the appropriate judgment  
31-26 or has filed with the appropriate papers a statement of an  
31-27 affirmative finding described by Article 42.017 or Section 5(g),  
31-28 Article 42.12.

31-29 (c) A defendant who before September 1, 2001, is convicted  
31-30 of or placed on deferred adjudication community supervision for an  
31-31 offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,  
31-32 is eligible to petition the court as described by Subsection (a).  
31-33 The court may consider the petition only if the petition states and  
31-34 the court finds that the defendant would have been entitled to the  
31-35 entry of an affirmative finding under Article 42.017 or Section  
31-36 5(g), Article 42.12, as appropriate, had the conviction or  
31-37 placement on deferred adjudication community supervision occurred  
31-38 after September 1, 2001.

31-39 (d) After a hearing on the petition described by Subsection  
31-40 (a), the court may issue an order exempting the person from  
31-41 registration under this chapter if it appears by a preponderance of  
31-42 the evidence:

31-43 (1) as presented by a registered sex offender  
31-44 treatment provider, that the exemption does not threaten public  
31-45 safety; and

31-46 (2) that the person's conduct did not occur without the  
31-47 consent of the victim or intended victim as described by Section  
31-48 22.011(b), Penal Code.

31-49 (e) An order exempting the person from registration under  
31-50 this chapter does not expire, but the court shall withdraw the order  
31-51 if after the order is issued the person receives a reportable  
31-52 conviction or adjudication under this chapter.

31-53 SUBCHAPTER H. EXEMPTIONS FROM REGISTRATION FOR CERTAIN JUVENILES

31-54 Art. 62.351. MOTION AND HEARING GENERALLY. (a) During or  
31-55 after disposition of a case under Section 54.04, Family Code, for  
31-56 adjudication of an offense for which registration is required under  
31-57 this chapter, the juvenile court on motion of the respondent shall  
31-58 conduct a hearing to determine whether the interests of the public  
31-59 require registration under this chapter. The motion may be filed  
31-60 and the hearing held regardless of whether the respondent is under  
31-61 18 years of age. Notice of the motion and hearing shall be provided  
31-62 to the prosecuting attorney.

31-63 (b) The hearing is without a jury and the burden of  
31-64 persuasion is on the respondent to show by a preponderance of  
31-65 evidence that the criteria of Article 62.352(a) have been met. The  
31-66 court at the hearing may make its determination based on:

31-67 (1) the receipt of exhibits;

31-68 (2) the testimony of witnesses;

31-69 (3) representations of counsel for the parties; or

32-1 (4) the contents of a social history report prepared  
 32-2 by the juvenile probation department that may include the results  
 32-3 of testing and examination of the respondent by a psychologist,  
 32-4 psychiatrist, or counselor.

32-5 (c) All written matter considered by the court shall be  
 32-6 disclosed to all parties as provided by Section 54.04(b), Family  
 32-7 Code.

32-8 (d) If a respondent, as part of a plea agreement, promises  
 32-9 not to file a motion seeking an order exempting the respondent from  
 32-10 registration under this chapter, the court may not recognize a  
 32-11 motion filed by a respondent under this article.

32-12 Art. 62.352. ORDER GENERALLY. (a) The court shall enter an  
 32-13 order exempting a respondent from registration under this chapter  
 32-14 if the court determines:

32-15 (1) that the protection of the public would not be  
 32-16 increased by registration of the respondent under this chapter; or

32-17 (2) that any potential increase in protection of the  
 32-18 public resulting from registration of the respondent is clearly  
 32-19 outweighed by the anticipated substantial harm to the respondent  
 32-20 and the respondent's family that would result from registration  
 32-21 under this chapter.

32-22 (b) After a hearing under Article 62.351 or under a plea  
 32-23 agreement described by Article 62.355(b), the juvenile court may  
 32-24 enter an order:

32-25 (1) deferring decision on requiring registration  
 32-26 under this chapter until the respondent has completed treatment for  
 32-27 the respondent's sexual offense as a condition of probation or  
 32-28 while committed to the Texas Youth Commission; or

32-29 (2) requiring the respondent to register as a sex  
 32-30 offender but providing that the registration information is not  
 32-31 public information and is restricted to use by law enforcement and  
 32-32 criminal justice agencies, the Council on Sex Offender Treatment,  
 32-33 and public or private institutions of higher education.

32-34 (c) If the court enters an order described by Subsection  
 32-35 (b)(1), the court retains discretion and jurisdiction to require,  
 32-36 or exempt the respondent from, registration under this chapter at  
 32-37 any time during the treatment or on the successful or unsuccessful  
 32-38 completion of treatment, except that during the period of deferral,  
 32-39 registration may not be required. Following successful completion  
 32-40 of treatment, the respondent is exempted from registration under  
 32-41 this chapter unless a hearing under this subchapter is held on  
 32-42 motion of the state, regardless of whether the respondent is 18  
 32-43 years of age or older, and the court determines the interests of the  
 32-44 public require registration. Not later than the 10th day after the  
 32-45 date of the respondent's successful completion of treatment, the  
 32-46 treatment provider shall notify the juvenile court and prosecuting  
 32-47 attorney of the completion.

32-48 (d) Information that is the subject of an order described by  
 32-49 Subsection (b)(2) may not be posted on the Internet or released to  
 32-50 the public.

32-51 Art. 62.353. MOTION, HEARING, AND ORDER CONCERNING PERSON  
 32-52 ALREADY REGISTERED. (a) A person who has registered as a sex  
 32-53 offender for an adjudication of delinquent conduct, regardless of  
 32-54 when the delinquent conduct or the adjudication for the conduct  
 32-55 occurred, may file a motion in the adjudicating juvenile court for a  
 32-56 hearing seeking:

32-57 (1) exemption from registration under this chapter as  
 32-58 provided by Article 62.351; or

32-59 (2) an order under Article 62.352(b)(2) that the  
 32-60 registration become nonpublic.

32-61 (b) The person may file a motion under Subsection (a) in the  
 32-62 original juvenile case regardless of whether the person, at the  
 32-63 time of filing the motion, is 18 years of age or older. Notice of  
 32-64 the motion shall be provided to the prosecuting attorney. A hearing  
 32-65 on the motion shall be provided as in other cases under this  
 32-66 subchapter.

32-67 (c) Only one subsequent motion may be filed under Subsection  
 32-68 (a) if a previous motion under this article has been filed  
 32-69 concerning the case.

33-1 (d) To the extent feasible, the motion under Subsection (a)  
 33-2 shall identify those public and private agencies and organizations,  
 33-3 including public or private institutions of higher education, that  
 33-4 possess sex offender registration information about the case.

33-5 (e) The juvenile court, after a hearing, may:

33-6 (1) deny a motion filed under Subsection (a);

33-7 (2) grant a motion described by Subsection (a)(1); or

33-8 (3) grant a motion described by Subsection (a)(2).

33-9 (f) If the court grants a motion filed under Subsection (a),  
 33-10 the clerk of the court shall by certified mail, return receipt  
 33-11 requested, send a copy of the order to the department, to each local  
 33-12 law enforcement authority that the person has proved to the  
 33-13 juvenile court has registration information about the person, and  
 33-14 to each public or private agency or organization that the person has  
 33-15 proved to the juvenile court has information about the person that  
 33-16 is currently available to the public with or without payment of a  
 33-17 fee. The clerk of the court shall by certified mail, return receipt  
 33-18 requested, send a copy of the order to any other agency or  
 33-19 organization designated by the person. The person shall identify  
 33-20 the agency or organization and its address and pay a fee of \$20 to  
 33-21 the court for each agency or organization the person designates.

33-22 (g) In addition to disseminating the order under Subsection  
 33-23 (f), at the request of the person, the clerk of the court shall by  
 33-24 certified mail, return receipt requested, send a copy of the order  
 33-25 to each public or private agency or organization that at any time  
 33-26 following the initial dissemination of the order under Subsection  
 33-27 (f) gains possession of sex offender registration information  
 33-28 pertaining to that person, if the agency or organization did not  
 33-29 otherwise receive a copy of the order under Subsection (f).

33-30 (h) An order under Subsection (f) must require the recipient  
 33-31 to conform its records to the court's order either by deleting the  
 33-32 sex offender registration information or changing its status to  
 33-33 nonpublic, as applicable. A public or private institution of  
 33-34 higher education may not be required to delete the sex offender  
 33-35 registration information under this subsection.

33-36 (i) A private agency or organization that possesses sex  
 33-37 offender registration information the agency or organization  
 33-38 obtained from a state, county, or local governmental entity is  
 33-39 required to conform the agency's or organization's records to the  
 33-40 court's order on or before the 30th day after the date of the entry  
 33-41 of the order. Unless the agency or organization is a public or  
 33-42 private institution of higher education, failure to comply in that  
 33-43 period automatically bars the agency or organization from obtaining  
 33-44 sex offender registration information from any state, county, or  
 33-45 local governmental entity in this state in the future.

33-46 Art. 62.354. MOTION, HEARING, AND ORDER CONCERNING PERSON  
 33-47 REQUIRED TO REGISTER BECAUSE OF OUT-OF-STATE ADJUDICATION. (a) A  
 33-48 person required to register as a sex offender in this state because  
 33-49 of an out-of-state adjudication of delinquent conduct may file in  
 33-50 the juvenile court of the person's county of residence a petition  
 33-51 under Article 62.351 for an order exempting the person from  
 33-52 registration under this chapter.

33-53 (b) If the person is already registered as a sex offender in  
 33-54 this state because of an out-of-state adjudication of delinquent  
 33-55 conduct, the person may file in the juvenile court of the person's  
 33-56 county of residence a petition under Article 62.353 for an order  
 33-57 removing the person from sex offender registries in this state.

33-58 (c) On receipt of a petition under this article, the  
 33-59 juvenile court shall conduct a hearing and make rulings as in other  
 33-60 cases under this subchapter.

33-61 (d) An order entered under this article requiring removal of  
 33-62 registration information applies only to registration information  
 33-63 derived from registration in this state.

33-64 Art. 62.355. WAIVER OF HEARING. (a) The prosecuting  
 33-65 attorney may waive the state's right to a hearing under this  
 33-66 subchapter and agree that registration under this chapter is not  
 33-67 required. A waiver under this subsection must state whether the  
 33-68 waiver is entered under a plea agreement.

33-69 (b) If the waiver is entered under a plea agreement, the

34-1 court, without a hearing, shall:

34-2 (1) enter an order exempting the respondent from  
 34-3 registration under this chapter; or

34-4 (2) under Section 54.03(j), Family Code, inform the  
 34-5 respondent that the court believes a hearing under this article is  
 34-6 required and give the respondent the opportunity to:

34-7 (A) withdraw the respondent's plea of guilty,  
 34-8 nolo contendere, or true; or

34-9 (B) affirm the respondent's plea and participate  
 34-10 in the hearing.

34-11 (c) If the waiver is entered other than under a plea  
 34-12 agreement, the court, without a hearing, shall enter an order  
 34-13 exempting the respondent from registration under this chapter.

34-14 Art. 62.356. EFFECT OF CERTAIN ORDERS. (a) A person who  
 34-15 has an adjudication of delinquent conduct that would otherwise be  
 34-16 reportable under Article 62.001(5) does not have a reportable  
 34-17 adjudication of delinquent conduct for purposes of this chapter if  
 34-18 the juvenile court enters an order under this subchapter exempting  
 34-19 the person from the registration requirements of this chapter.

34-20 (b) If the juvenile court enters an order exempting a person  
 34-21 from registration under this chapter, the respondent may not be  
 34-22 required to register in this or any other state for the offense for  
 34-23 which registration was exempted.

34-24 Art. 62.357. APPEAL OF CERTAIN ORDERS. (a)  
 34-25 Notwithstanding Section 56.01, Family Code, on entry by a juvenile  
 34-26 court of an order under Article 62.352(a) exempting a respondent  
 34-27 from registration under this chapter, the prosecuting attorney may  
 34-28 appeal that order by giving notice of appeal within the time  
 34-29 required under Rule 26.2(b), Texas Rules of Appellate Procedure.  
 34-30 The appeal is civil and the standard of review in the appellate  
 34-31 court is whether the juvenile court committed procedural error or  
 34-32 abused its discretion in exempting the respondent from registration  
 34-33 under this chapter. The appeal is limited to review of the order  
 34-34 exempting the respondent from registration under this chapter and  
 34-35 may not include any other issues in the case.

34-36 (b) A respondent may under Section 56.01, Family Code,  
 34-37 appeal a juvenile court's order under Article 62.352(a) requiring  
 34-38 registration in the same manner as the appeal of any other legal  
 34-39 issue in the case. The standard of review in the appellate court is  
 34-40 whether the juvenile court committed procedural error or abused its  
 34-41 discretion in requiring registration.

34-42 SUBCHAPTER I. EARLY TERMINATION OF CERTAIN PERSONS'  
 34-43 OBLIGATION TO REGISTER

34-44 Art. 62.401. DEFINITION. In this subchapter, "council"  
 34-45 means the Council on Sex Offender Treatment.

34-46 Art. 62.402. DETERMINATION OF MINIMUM REQUIRED  
 34-47 REGISTRATION PERIOD. (a) The council by rule shall determine the  
 34-48 minimum required registration period under 42 U.S.C. Section 14071  
 34-49 (Jacob Wetterling Crimes Against Children and Sexually Violent  
 34-50 Offender Registration Program) for each reportable conviction or  
 34-51 adjudication under this chapter, if this state is to receive the  
 34-52 maximum amount of federal money available to a state as described by  
 34-53 that law.

34-54 (b) After determining the minimum required registration  
 34-55 period for each reportable conviction or adjudication under  
 34-56 Subsection (a), the council shall compile and publish a list of  
 34-57 reportable convictions or adjudications for which a person must  
 34-58 register under this chapter for a period that exceeds the minimum  
 34-59 required registration period under federal law.

34-60 (c) To the extent possible, the council shall periodically  
 34-61 verify with the Bureau of Justice Assistance or another appropriate  
 34-62 federal agency the accuracy of the list of reportable convictions  
 34-63 or adjudications described by Subsection (b).

34-64 Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council  
 34-65 by rule shall establish, develop, or adopt an individual risk  
 34-66 assessment tool or a group of individual risk assessment tools  
 34-67 that:

34-68 (1) evaluates the criminal history of a person  
 34-69 required to register under this chapter; and

35-1 (2) seeks to predict:

35-2 (A) the likelihood that the person will engage in  
 35-3 criminal activity that may result in the person receiving a second  
 35-4 or subsequent reportable adjudication or conviction; and

35-5 (B) the continuing danger, if any, that the  
 35-6 person poses to the community.

35-7 (b) On the written request of a person with a single  
 35-8 reportable adjudication or conviction that appears on the list  
 35-9 published under Article 62.402(b), the council shall:

35-10 (1) evaluate the person using the individual risk  
 35-11 assessment tool or group of individual risk assessment tools  
 35-12 established, developed, or adopted under Subsection (a); and

35-13 (2) provide to the person a written report detailing  
 35-14 the outcome of an evaluation conducted under Subdivision (1).

35-15 (c) An individual risk assessment provided to a person under  
 35-16 this subchapter is confidential and is not subject to disclosure  
 35-17 under Chapter 552, Government Code.

35-18 Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person  
 35-19 required to register under this chapter who has requested and  
 35-20 received an individual risk assessment under Article 62.403 may  
 35-21 file with the trial court that sentenced the person for the  
 35-22 reportable conviction or adjudication a motion for early  
 35-23 termination of the person's obligation to register under this  
 35-24 chapter.

35-25 (b) A motion filed under this article must be accompanied  
 35-26 by:

35-27 (1) a written explanation of how the reportable  
 35-28 conviction or adjudication giving rise to the movant's registration  
 35-29 under this chapter qualifies as a reportable conviction or  
 35-30 adjudication that appears on the list published under Article  
 35-31 62.402(b); and

35-32 (2) a certified copy of a written report detailing the  
 35-33 outcome of an individual risk assessment evaluation conducted under  
 35-34 Article 62.403(b)(1).

35-35 Art. 62.405. HEARING ON PETITION. (a) After reviewing a  
 35-36 motion filed with the court under Article 62.404, the court may:

35-37 (1) deny without a hearing the movant's request for  
 35-38 early termination; or

35-39 (2) hold a hearing on the motion to determine whether  
 35-40 to grant or deny the motion.

35-41 (b) The court may not grant a motion filed under Article  
 35-42 62.404 if:

35-43 (1) the motion is not accompanied by the documents  
 35-44 required under Article 62.404(b); or

35-45 (2) the court determines that the reportable  
 35-46 conviction or adjudication for which the movant is required to  
 35-47 register under this chapter is not a reportable conviction or  
 35-48 adjudication for which the movant is required to register for a  
 35-49 period that exceeds the minimum required registration period under  
 35-50 federal law.

35-51 Art. 62.406. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF  
 35-52 COURT. A person required to register under this chapter who files a  
 35-53 motion for early termination of the person's registration  
 35-54 obligation under this chapter is responsible for and shall remit to  
 35-55 the council and to the court, as applicable, all costs associated  
 35-56 with and incurred by the council in providing the individual risk  
 35-57 assessment or by the court in holding a hearing under this  
 35-58 subchapter.

35-59 Art. 62.407. EFFECT OF ORDER GRANTING EARLY TERMINATION.  
 35-60 (a) If, after notice to the person and to the prosecuting attorney  
 35-61 and a hearing, the court grants a motion filed under Article 62.404  
 35-62 for the early termination of a person's obligation to register  
 35-63 under this chapter, notwithstanding Article 62.101, the person's  
 35-64 obligation to register under this chapter ends on the later of:

35-65 (1) the date the court enters the order of early  
 35-66 termination; or

35-67 (2) the date the person has paid each cost described by  
 35-68 Section 62.406.

35-69 (b) If the court grants a motion filed under Article 62.404

36-1 for the early termination of a person's obligation to register  
 36-2 under this chapter, all conditions of the person's parole, release  
 36-3 to mandatory supervision, or community supervision shall be  
 36-4 modified in accordance with the court's order.

36-5 Art. 62.408. NONAPPLICABILITY. This subchapter does not  
 36-6 apply to a person without a reportable conviction or adjudication  
 36-7 who is required to register as a condition of parole, release to  
 36-8 mandatory supervision, or community supervision.

36-9 SECTION 1.02. Chapter 13, Code of Criminal Procedure, is  
 36-10 amended by adding Article 13.30 to read as follows:

36-11 Art. 13.30. FAILURE TO COMPLY WITH SEX OFFENDER  
 36-12 REGISTRATION STATUTE. An offense under Chapter 62 may be  
 36-13 prosecuted in:

36-14 (1) any county in which an element of the offense  
 36-15 occurs;

36-16 (2) the county in which the person subject to Chapter  
 36-17 62 last registered, verified registration, or otherwise complied  
 36-18 with a requirement of Chapter 62;

36-19 (3) the county in which the person required to  
 36-20 register under Chapter 62 has indicated that the person intends to  
 36-21 reside; or

36-22 (4) any county in which the person required to  
 36-23 register under Chapter 62 is placed under custodial arrest for an  
 36-24 offense subsequent to the person's most recent reportable  
 36-25 conviction or adjudication under Chapter 62.

36-26 SECTION 1.03. Article 26.13(h), Code of Criminal Procedure,  
 36-27 is amended to read as follows:

36-28 (h) The court must substantially comply with Subsection  
 36-29 (a)(5). The failure of the court to comply with Subsection (a)(5)  
 36-30 is not a ground for the defendant to set aside the conviction,  
 36-31 sentence, or plea. [~~Before accepting a plea of guilty or nolo~~  
 36-32 ~~contendere from a defendant described by Subsection (a)(5), the~~  
 36-33 ~~court shall ascertain whether the attorney representing the~~  
 36-34 ~~defendant has advised the defendant regarding registration~~  
 36-35 ~~requirements under Chapter 62.]~~

36-36 SECTION 1.04. Article 44.01, Code of Criminal Procedure, is  
 36-37 amended by adding Subsection (1) to read as follows:

36-38 (1) The state is entitled to appeal an order entered under:  
 36-39 (1) Subchapter G or H, Chapter 62, that exempts a  
 36-40 person from complying with the requirements of Chapter 62; and

36-41 (2) Subchapter I, Chapter 62, that terminates a  
 36-42 person's obligation to register under Chapter 62.

36-43 SECTION 1.05. Subchapter G, Chapter 411, Government Code,  
 36-44 is amended by adding Section 411.1473 to read as follows:

36-45 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX  
 36-46 OFFENDERS. (a) This section applies only to a person who is  
 36-47 required to register under Chapter 62, Code of Criminal Procedure.

36-48 (b) The department by rule shall require a law enforcement  
 36-49 agency serving as a person's primary registration authority under  
 36-50 Chapter 62, Code of Criminal Procedure, to:

36-51 (1) take one or more specimens from a person described  
 36-52 by Subsection (a) for the purpose of creating a DNA record; and

36-53 (2) preserve the specimen and maintain a record of the  
 36-54 collection of the specimen.

36-55 (c) A law enforcement agency taking a specimen under this  
 36-56 section may either send the specimen to the director or send to the  
 36-57 director an analysis of the specimen performed by a laboratory  
 36-58 chosen by the agency and approved by the director.

36-59 (d) A law enforcement agency is not required to take and a  
 36-60 person is not required to provide a specimen under this section if  
 36-61 the person is required to and has provided a specimen under this  
 36-62 chapter or other law.

36-63 SECTION 1.06. Section 508.186, Government Code, is amended  
 36-64 to read as follows:

36-65 Sec. 508.186. SEX OFFENDER REGISTRATION. [~~(a)~~] A parole  
 36-66 panel shall require as a condition of parole or mandatory  
 36-67 supervision that a releasee required to register as a sex offender  
 36-68 under Chapter 62, Code of Criminal Procedure:

36-69 (1) register under that chapter; and

37-1 (2) ~~[pay to the releasee's supervising officer an~~  
37-2 ~~amount equal to the cost, as evidenced by written receipt, incurred~~  
37-3 ~~by the applicable local law enforcement authority for providing~~  
37-4 ~~notice for publication to a newspaper as required by that chapter,~~  
37-5 ~~and~~

37-6 [~~3~~] submit a blood sample or other specimen to the  
37-7 Department of Public Safety under Subchapter G, Chapter 411, for  
37-8 the purpose of creating a DNA record of the releasee, unless the  
37-9 releasee has already submitted the required specimen under other  
37-10 state law.

37-11 [~~(a-1)~~] A political subdivision served by the local law  
37-12 enforcement authority may bill any unpaid amount under Subsection  
37-13 (a)(2), identified separately, within a bill for a utility service  
37-14 provided by the political subdivision to the releasee and may  
37-15 suspend service of the utility to a releasee who is delinquent in  
37-16 payment of the amount until the delinquent claim is fully paid to  
37-17 the political subdivision. In this subsection, "utility service"  
37-18 means water, wastewater, sewer, gas, garbage, electricity, or  
37-19 drainage service.

37-20 [~~(b)~~] The division or political subdivision, as applicable,  
37-21 shall remit an amount collected under this section to the  
37-22 applicable local law enforcement authority.

37-23 [~~(c)~~] In a parole or mandatory supervision revocation  
37-24 hearing under Section 508.281 at which it is alleged only that the  
37-25 releasee failed to make a payment under this section, it is an  
37-26 affirmative defense to revocation that the releasee is unable to  
37-27 pay the amount as ordered by a parole panel. The releasee must  
37-28 prove the affirmative defense by a preponderance of the evidence.]

37-29 ARTICLE 2. CONFORMING AMENDMENTS

37-30 SECTION 2.01. Article 42.016, Code of Criminal Procedure,  
37-31 is amended to read as follows:

37-32 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION  
37-33 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted  
37-34 of, receives a grant of deferred adjudication for, or is  
37-35 adjudicated as having engaged in delinquent conduct based on a  
37-36 violation of an offense for which a conviction or adjudication  
37-37 requires registration as a sex offender under Chapter 62, [~~as added~~  
37-38 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~  
37-39 ~~1997,~~] the court shall:

37-40 (1) issue an order requiring the Texas Department of  
37-41 Public Safety to include in any driver's license record or personal  
37-42 identification certificate record maintained by the department for  
37-43 the person an indication that the person is subject to the  
37-44 registration requirements of Chapter 62 [~~, as added by Chapter 668,~~  
37-45 ~~Acts of the 75th Legislature, Regular Session, 1997];~~

37-46 (2) require the person to apply to the Texas  
37-47 Department of Public Safety in person for an original or renewal  
37-48 driver's license or personal identification certificate not later  
37-49 than the 30th day after the date the person is released or the date  
37-50 the department sends written notice to the person of the  
37-51 requirements of Article 62.060 [~~62.065~~], as applicable, and to  
37-52 annually renew the license or certificate;

37-53 (3) notify the person of the consequence of the  
37-54 conviction or order of deferred adjudication as it relates to the  
37-55 order issued under this article; and

37-56 (4) send to the Texas Department of Public Safety a  
37-57 copy of the record of conviction, a copy of the order granting  
37-58 deferred adjudication, or a copy of the juvenile adjudication, as  
37-59 applicable, and a copy of the order issued under this article.

37-60 SECTION 2.02. Section 2(b), Article 42.22, Code of Criminal  
37-61 Procedure, is amended to read as follows:

37-62 (b) The state also has a restitution lien to secure the:

37-63 (1) amount of fines or costs entered against a  
37-64 defendant in the judgment in a felony criminal case;

37-65 (2) amount of reimbursement for costs of:

37-66 (A) confinement ordered under Article 42.038; or

37-67 (B) notice provided under Article 62.056 [~~62.03~~  
37-68 or 62.201 [~~62.04~~]; and

37-69 (3) amount of damages incurred by the state as a result

38-1 of the commission of an offense under Section 38.04, Penal Code, in  
 38-2 which the defendant used a motor vehicle while the defendant was in  
 38-3 flight.

38-4 SECTION 2.03. Article 60.051(f), Code of Criminal  
 38-5 Procedure, is amended to read as follows:

38-6 (f) The department shall maintain in the computerized  
 38-7 criminal history system any information the department maintains in  
 38-8 the central database under Article 62.005 [~~62.08~~].

38-9 SECTION 2.04. Section 12.120(a), Education Code, is amended  
 38-10 to read as follows:

38-11 (a) A person may not serve as a member of the governing body  
 38-12 of a charter holder, as a member of the governing body of an  
 38-13 open-enrollment charter school, or as an officer or employee of an  
 38-14 open-enrollment charter school if the person:

38-15 (1) has been convicted of a felony or a misdemeanor  
 38-16 involving moral turpitude;

38-17 (2) has been convicted of an offense listed in Section  
 38-18 37.007(a);

38-19 (3) has been convicted of an offense listed in Article  
 38-20 62.001(5) [~~62.01(5)~~], Code of Criminal Procedure; or

38-21 (4) has a substantial interest in a management  
 38-22 company.

38-23 SECTION 2.05. Section 45.004(c), Family Code, is amended to  
 38-24 read as follows:

38-25 (c) In this section, "local law enforcement authority" has  
 38-26 the meaning assigned by Article 62.001 [~~62.01~~], Code of Criminal  
 38-27 Procedure.

38-28 SECTION 2.06. Section 45.103(c), Family Code, is amended to  
 38-29 read as follows:

38-30 (c) A court may order a change of name under this subchapter  
 38-31 for a person subject to the registration requirements of Chapter  
 38-32 62, Code of Criminal Procedure, if, in addition to the requirements  
 38-33 of Subsection (a), the person provides the court with proof that the  
 38-34 person has notified the appropriate local law enforcement authority  
 38-35 of the proposed name change. In this subsection, "local law  
 38-36 enforcement authority" has the meaning assigned by Article 62.001  
 38-37 [~~62.01~~], Code of Criminal Procedure.

38-38 SECTION 2.07. Sections 54.051(g) and (h), Family Code, are  
 38-39 amended to read as follows:

38-40 (g) If the juvenile court places the child on probation for  
 38-41 an offense for which registration as a sex offender is required by  
 38-42 Chapter 62, Code of Criminal Procedure, and defers the registration  
 38-43 requirement until completion of treatment for the sex offense under  
 38-44 Subchapter H, Chapter 62 [~~Article 62.13~~], Code of Criminal  
 38-45 Procedure, the authority under that article to reexamine the need  
 38-46 for registration on completion of treatment is transferred to the  
 38-47 court to which probation is transferred.

38-48 (h) If the juvenile court places the child on probation for  
 38-49 an offense for which registration as a sex offender is required by  
 38-50 Chapter 62, Code of Criminal Procedure, and the child registers,  
 38-51 the authority of the court to excuse further compliance with the  
 38-52 registration requirement under Subchapter H, Chapter 62 [~~Articles~~  
 38-53 ~~62.13(1)-(r)~~], Code of Criminal Procedure, is transferred to the  
 38-54 court to which probation is transferred.

38-55 SECTION 2.08. Section 411.0091(b), Government Code, is  
 38-56 amended to read as follows:

38-57 (b) The sex offender compliance unit shall investigate and  
 38-58 arrest individuals determined to have committed a sexually violent  
 38-59 offense, as defined by Article 62.001 [~~62.01~~], Code of Criminal  
 38-60 Procedure.

38-61 SECTION 2.09. Section 411.088(b), Government Code, is  
 38-62 amended to read as follows:

38-63 (b) The department may not charge for processing an  
 38-64 electronic inquiry for information described as public information  
 38-65 under Article 62.005 [~~62.08~~], Code of Criminal Procedure, made  
 38-66 through the use of the Internet.

38-67 SECTION 2.10. Section 109.001(2), Occupations Code, is  
 38-68 amended to read as follows:

38-69 (2) "Local law enforcement authority" has the meaning

39-1 assigned by Article 62.001 [~~62.01~~], Code of Criminal Procedure.

39-2 SECTION 2.11. Section 38.111(a), Penal Code, is amended to  
39-3 read as follows:

39-4 (a) A person commits an offense if the person, while  
39-5 confined in a correctional facility after being charged with or  
39-6 convicted of an offense listed in Article 62.001(5) [~~62.01(5)~~],  
39-7 Code of Criminal Procedure, contacts by letter, telephone, or any  
39-8 other means, either directly or through a third party, a victim of  
39-9 the offense or a member of the victim's family, if:

39-10 (1) the victim was younger than 17 years of age at the  
39-11 time of the commission of the offense for which the person is  
39-12 confined; and

39-13 (2) the director of the correctional facility has not,  
39-14 before the person makes contact with the victim:

39-15 (A) received written and dated consent to the  
39-16 contact from:

39-17 (i) a parent of the victim;  
39-18 (ii) a legal guardian of the victim;  
39-19 (iii) the victim, if the victim is 17 years  
39-20 of age or older at the time of giving the consent; or

39-21 (iv) a member of the victim's family who is  
39-22 17 years of age or older; and

39-23 (B) provided the person with a copy of the  
39-24 consent.

39-25 SECTION 2.12. Section 521.101(h), Transportation Code, is  
39-26 amended to read as follows:

39-27 (h) The department shall automatically revoke each personal  
39-28 identification certificate issued by the department to a person  
39-29 who:

39-30 (1) is subject to the registration requirements of  
39-31 Chapter 62, Code of Criminal Procedure [~~, as added by Chapter 668,~~  
39-32 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

39-33 (2) fails to apply to the department for renewal of the  
39-34 personal identification certificate as required by Article 62.060  
39-35 [~~62.065~~], Code of Criminal Procedure.

39-36 SECTION 2.13. Section 521.103(a), Transportation Code, is  
39-37 amended to read as follows:

39-38 (a) The department may issue an original or renewal personal  
39-39 identification certificate to a person whose driver's license or  
39-40 personal identification certificate record indicates that the  
39-41 person is subject to the registration requirements of Chapter 62,  
39-42 Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the~~  
39-43 ~~75th Legislature, Regular Session, 1997,~~] only if the person:

39-44 (1) applies in person for the issuance of a  
39-45 certificate under this section; and

39-46 (2) pays a fee of \$20.

39-47 SECTION 2.14. Section 521.348(a), Transportation Code, is  
39-48 amended to read as follows:

39-49 (a) A driver's license is automatically revoked if the  
39-50 holder of the license:

39-51 (1) is subject to the registration requirements of  
39-52 Chapter 62, Code of Criminal Procedure [~~, as added by Chapter 668,~~  
39-53 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

39-54 (2) fails to apply to the department for renewal of the  
39-55 license as required by Article 62.060 [~~62.065~~], Code of Criminal  
39-56 Procedure.

39-57 ARTICLE 3. TRANSITIONS; EFFECTIVE DATE; REPEALERS

39-58 SECTION 3.01. (a) Except as provided by Subsection (b) of  
39-59 this section, the changes in law made by this Act in amending  
39-60 Chapter 62, Code of Criminal Procedure, apply to a person subject to  
39-61 Chapter 62, Code of Criminal Procedure, for an offense or conduct  
39-62 committed or engaged in before, on, or after the effective date of  
39-63 this Act.

39-64 (b) To the extent that the changes in law made by this Act to  
39-65 Chapter 62, Code of Criminal Procedure, change the elements of or  
39-66 punishment for conduct constituting a violation of Chapter 62,  
39-67 those changes apply only to conduct engaged in on or after the  
39-68 effective date of this Act. Conduct engaged in before the effective  
39-69 date of this Act is governed by the law in effect at the time the

40-1 conduct was engaged in, and that law is continued in effect for that  
40-2 purpose.

40-3 SECTION 3.02. The change in law made by this Act in adding  
40-4 Article 13.30, Code of Criminal Procedure, applies only to an  
40-5 offense committed on or after the effective date of this Act. For  
40-6 purposes of this section, an offense is committed on or after the  
40-7 effective date of this Act if any element of the offense occurs on  
40-8 or after the effective date of this Act. An offense committed  
40-9 before the effective date of this Act is governed by the law in  
40-10 effect at the time the offense was committed, and that law is  
40-11 continued in effect for that purpose.

40-12 SECTION 3.03. The change in law made by this Act in amending  
40-13 Article 26.13(h), Code of Criminal Procedure, applies only to a  
40-14 plea of guilty or a plea of nolo contendere that is entered on or  
40-15 after the effective date of this Act. A plea of guilty or a plea of  
40-16 nolo contendere that is entered before the effective date of this  
40-17 Act is governed by the law in effect at the time the plea was  
40-18 entered, and that law is continued in effect for that purpose.

40-19 SECTION 3.04. The change in law made by this Act in  
40-20 repealing Subsections (g) and (h), Section 19, Article 42.12, Code  
40-21 of Criminal Procedure, and in amending Section 508.186, Government  
40-22 Code, applies only to a person who is placed on community  
40-23 supervision or released on parole or mandatory supervision for an  
40-24 offense committed on or after the effective date of this Act. A  
40-25 person who is placed on community supervision or released on parole  
40-26 or mandatory supervision for an offense committed before the  
40-27 effective date of this Act is governed by the law in effect on the  
40-28 date the offense was committed, and that law is continued in effect  
40-29 for that purpose. For purposes of this section, an offense is  
40-30 committed on or after the effective date of this Act if any element  
40-31 of the offense occurs on or after the effective date of this Act.

40-32 SECTION 3.05. The change in law made by this Act in amending  
40-33 Article 44.01, Code of Criminal Procedure, applies only to an  
40-34 appeal brought by the state on or after the effective date of this  
40-35 Act.

40-36 SECTION 3.06. The change in law made by this Act in adding  
40-37 Section 411.1473, Government Code, applies only to a person who,  
40-38 for the first time, must register as a sex offender under Chapter  
40-39 62, Code of Criminal Procedure, on or after the effective date of  
40-40 this Act.

40-41 SECTION 3.07. Subsections (g) and (h), Section 19, Article  
40-42 42.12, Code of Criminal Procedure, are repealed.

40-43 SECTION 3.08. This Act takes effect September 1, 2005.

40-44 \* \* \* \* \*